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TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

PART 6—CHECKS AND WARRANTS

REVOCATION

DECEMBER 22, 1948.

Part 6, Checks and Warrants, is hereby revoked.

LINDSAY C. WARREN,
Comptroller General
of the United States.

[F. R. Doc. 48-11264; Filed, Dec. 24, 1948;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

STANDARDS FOR GRADES OF FROZEN PINEAPPLE¹

On October 6, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 5834) regarding the proposed issuance of the United States Standards for Grades of Frozen Pineapple. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Pineapple, which are the first issue, are hereby promulgated to become effective under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948)

§ 52.568 *Frozen pineapple.* (a) Frozen pineapple is prepared from the properly ripened fruit of the pineapple plant (*Ananas sativus* or *Ananas comosus*), is peeled, cored, trimmed, and washed; may be packed with or without packing media; and is frozen and stored at temperatures necessary for the preservation of the product.

(b) *Styles of frozen pineapple*—(1) *Whole slices.* Frozen whole slices of

pineapple consist of whole, practically unbroken slices of pineapple that have been cut, at a right angle to the longitudinal axis, into approximately equal units.

(2) *Half slices.* Frozen half slices of pineapple are such portions of whole slices of pineapple that are so matched in size and thickness that two portions are approximately equivalent to a slice.

(3) *Broken slices.* Frozen broken slices of pineapple consist of portions of slices of pineapple, if such portions are approximately of the same thickness and diameter.

(4) *Crushed.* Frozen crushed pineapple is pineapple that has been cut, shredded, or crushed into fine pieces.

(5) *Tidbits.* Frozen tidbits of pineapple are small, wedge-shaped sections cut from slices or portions of slices of pineapple.

(6) *Chunks.* Frozen chunks of pineapple are pieces of pineapple which do not conform to any of the foregoing styles, which need not be symmetrical nor uniform in size, and which do not exceed 1½ inches in any dimension.

(c) *Grades of frozen pineapple.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color in the applicable style; are practically uniform in size and symmetry in the applicable style; are practically free from defects in the applicable style; possess a good character in the applicable style; possess a normal flavor and odor; and score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of whole slices, crushed, tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color in the applicable style; are reasonably uniform in size and symmetry in the applicable style; are reasonably free from defects in the applicable style; possess a reasonably uniform, reasonably good character in the applicable style; possess a normal flavor and odor; and score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of half slices and broken slices that are fairly uniform in

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¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



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size and symmetry* possess a fairly uniform, fairly good, characteristic yellow color or butter color; are fairly free from defects; possess a fairly good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is (i) the quality of whole slices, crushed, tidbits, or chunks that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice" grade; or (ii) the quality of half slices or broken slices that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(d) *Ascertaining the grade.* (1) The grade of frozen pineapple is determined immediately after thawing to the extent that the mass or units may be easily separated. The grade of frozen pineapple may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, uniformity of size and symmetry, absence of defects, and character.

(2) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Color	20
(ii) Uniformity of size and symmetry	20
(iii) Absence of defects	30
(iv) Character	30
Total Score	100

(3) "Normal flavor and odor" means that the pineapple is free from objectionable flavors, off flavors, and objectionable odors of any kind.

(e) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points)

(1) *Color.* (i) Whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color, may be given a score of 18 to 20 points. "Practically uniform, bright, characteristic yellow color" means that the frozen pineapple has a yellow color typical of frozen pineapple and that there may be some variation of such color in the mass or of the units.

(ii) Whole slices, crushed, tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color, may be given a score of 16 or 17 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform, good, characteristic yellow color" means that the frozen pineapple may have considerable variation of such color in the mass or of the units.

(iii) Half slices or broken slices that possess a fairly uniform, fairly good, characteristic yellow color or better color may be given a score of 14 or 15 points. Frozen pineapple that falls in this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform, fairly good, characteristic yellow color," means that the individual units of the frozen pineapple may vary markedly from a uniform, typical yellow color and may be slightly dull in color.

(iv) Frozen pineapple that possesses a grayish cast or is definitely dull or off-color for any reason, or that fails to meet the requirements of subdivisions (i) (ii), or (iii) of this subparagraph for the applicable style may be given a score of 0 to 13 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and symmetry.* The factor of uniformity of size and symmetry shall not be scored when grading frozen crushed pineapple or frozen chunks of pineapple. The other three factors shall be scored and the total shall be multiplied by 100 and divided by 80, dropping any fractions, to determine the total score.

(i) If the frozen pineapple units are practically uniform in size and symmetry, a score of 18 to 20 points may be given. "Practically uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices and tidbits. All of the units within each style are the same apparent thickness, size, and shape, with not more than a slight deviation in actual dimensions.

(ii) If the frozen pineapple units are reasonably uniform in size and symmetry, a score of 16 or 17 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices and tidbits. The units within each style may vary in thickness, size, and shape with more than a slight deviation in actual dimensions.

(iii) If the frozen pineapple units consist of half slices or broken slices, a score of 14 or 15 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless

of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from blemished units; from excessively trimmed units; from broken units; and from crushed units. (See Table No. I of this section.)

(i) "Blemished units" are units of frozen pineapple with any fruit eye more than $\frac{1}{32}$ inch in diameter, deep fruit eyes regardless of area, brown spots, peel, bruise, or other injury.

(ii) "Excessively trimmed units" means that the units have been so trimmed that they do not retain their apparent original conformation.

(ii) "Broken units" means that whole slices are definitely severed from core hole to perimeter.

(iv) "Crushed units," except for crushed style, means that the units have been crushed to the extent that they are not of normal shape.

(v) Frozen pineapple that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices. No units are crushed; no units are excessively trimmed; not more than 5 percent, by count, may be blemished; and not more than 10 percent, by count, may be broken in one place only. One blemished unit and one broken unit are permitted if one unit exceeds the respective allowance of 5 percent and 10 percent by count.

Tidbits and chunks. Not more than 5 percent, by count, may be crushed and not more than 5 percent, by count, may be blemished.

Crushed. Not more than $\frac{1}{2}$ percent by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire blemished piece is included and the percentage is based on the net weight of the pineapple.

(vi) Frozen pineapple that is reasonably free from defects may be given a score of 24 to 26 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices. Not more than 3 percent, by count, may be excessively trimmed; not more than 5 percent, by count, may be crushed; not more than 12½ percent, by count, may be blemished; and not more than 25 percent, by count, may be broken in one place only.

Tidbits and chunks. Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished.

Crushed. Not more than 1 percent, by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire piece is included and the percentage based on the net weight of the frozen pineapple.

(vii) Frozen pineapple that is fairly free from defects may be given a score of 21 to 23 points. Frozen pineapple that falls into this classification shall not be

graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapples:

Half slices and broken slices. Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished. Since half slices and broken slices of frozen pineapple are whole slices broken in more than one place, these styles are scored in this classification and shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule)

(viii) Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet subdivision (vi) of this subparagraph; and half slices or broken slices of frozen pineapple that fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule)

(ix) The evaluation of the score for the factor of absence of defects may be determined from Table No. I of this section which indicates the maximum allowances for each type of defect for the score indicated.

TABLE NO. 1—ALLOWANCES FOR DEFECTS IN FROZEN PINEAPPLE

Grade	Score points	Whole slices				Crushed—Blemished units	Half slices and broken slices		Tidbits and chunks	
		Crushed units	Excessively trimmed	Blemished units	Broken units		Crushed units	Blemished units	Crushed units	Blemished units
Maximum allowances										
		By count				By weight	By count			
U. S. Grade A or U. S. Fancy.	30	None	None	2%	4%	14%			2%	2%
	29	None	None	3%	6%	12%			3%	3%
	28	None	None	4%	8%	10%			4%	4%
	27	None	None	5%	10%	8%			5%	5%
U. S. Grade B or U. S. Choice.	26	1%	1%	6%	15%	6%			6%	6%
	25	3%	2%	9%	20%	5%			8%	8%
	24	5%	3%	12½%	25%	4%			10%	10%
U. S. Grade C or U. S. Standard.	23						1%	6%		
	22						3%	9%		
U. S. Grade D or Sub-standard.	21						5%	12½%		
	20 or less	More than allowances permitted for 25 points.					More than allowances permitted for 21 points.		More than allowances permitted for 24 points.	

(4) **Character** The factor of character refers to the degree of ripeness and texture of the fruit.

(i) Frozen pineapple that possesses a good character may be given a score of 27 to 30 points. "Good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices, tidbits, and crushed. The fruit is of practically uniform ripeness and there may be present not more than 2½ percent, by weight of the pineapple, that is core material or fibrous stock; and, in the case of whole slices and tidbits, the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

Chunks. The fruit is of practically uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

(ii) Frozen pineapple that possesses a reasonably good character may be given a score of 24 to 26 points. Frozen pineapple which falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule) "Reasonably good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices, tidbits, and crushed. The fruit is of reasonably uniform ripeness and there may be present not more than 5 percent, by weight of the pineapple, that is core material or fibrous stock; and, in the case of whole slices and tidbits, the fruitlets are reasonably compact in structure, fairly free from porosity.

Chunks. The fruit is of reasonably uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; and the fruitlets are reasonably compact in structure, fairly free from porosity.

(iii) If the frozen pineapple possesses a fairly good character, a score of 21 to 23 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule) "Fairly good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Half slices and broken slices. The texture may be variable and there may be present not more than 5 percent, by weight of the pineapple, that is core material of fibrous stock and the fruitlets may be flaccid and loosely constructed.

(iv) Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet subdivision (ii) of this subparagraph;

and half slices and broken slices that fail to meet the requirements of subdivision (iii) of this subparagraph, may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule)

(f) **Tolerances for certification of officially drawn samples.** (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen pineapple, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) **Score sheet for frozen pineapple.**

Size and kind of container.....
Container mark or identification.....
Label (style of pack: Ratio of fruit to sugar, etc., if shown).....
Net weight.....
Style.....
Count (of whole slices).....
Factors	
Score points	
I. Color.....	20
II. Uniformity of size and symmetry.....	20
III. Absence of defects.....	20
IV. Character.....	20
Total score.....	100
Normal flavor and odor.....
Grade.....

¹ Indicates limiting rule.

(h) **Effective time.** The United States Standards for Grades of Frozen Pineapple (which are the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 712, 80th Cong.)

Issued at Washington, D. C., this 21st day of December 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc 48-11283; Filed, Dec. 24, 1948; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 961—HANDLING OF MILK IN PHILADELPHIA PA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Philadelphia, Pennsylvania, on December 6, 1948, upon a proposed amendment to the marketing agreement heretofore tentatively approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Preliminary statement. The proposed amendment, upon which the public hearing was held, was submitted by the Inter-State Milk Producers' Cooperative of Philadelphia, Pennsylvania. The only issue presented at the hearing was the determination of Class I prices for the year 1949. The proposal upon which the hearing was called was that prices for Class I milk delivered during the year 1949 should be as follows: For milk of 4 percent butterfat content delivered at the city, \$5.90 per hundredweight during January, February, March, July, August, and September; \$5.50 per hundredweight during April, May and June; and \$6.30 per hundredweight during October, November and December.

Briefs were filed by Inter-State Milk Producers' Cooperative and by the Milk Distributors Association of the Philadelphia Area, Inc.

Findings and conclusions. The record of the hearing shows that indexes which serve as general indicators of potential demand for consumer goods in the market and surrounding areas are generally at a level about the same as a year ago, or higher. Factory payrolls in the Philadelphia area are about 6 percent higher in October this year than in October 1947, which is about the same as the advance in average earnings of factory workers. Factory employment is lower than a year earlier, but by less than 1 percent. The ratio of average wages of factory workers in Philadelphia, to average retail food costs is about the same as a year ago. Department store sales in the Philadelphia Federal Reserve District in recent months have been 10 to 15 percent higher than for the same month last year.

The rate of consumption of fluid milk in this market has averaged somewhat lower in 1948 than last year. Daily average Class I sales were about 3 percent less in October 1948 than in October 1947, and also during the 4-month period of July through October were below sales in the same months of 1947 by about 3 percent. This decline in Class I sales is probably partly a result of retail prices

during these months being 1.5 to 3.0 cents per quart higher than in 1947. In view of the continued strength indicated by general demand factors, there does not appear to be reason for anticipating at this time any further decline in the rate of fluid milk consumption in this market.

The supply of milk received from producers for this market has been more nearly adequate in the fall months of 1948 than in 1947. October 1948 receipts from producers were 5 percent higher than a year earlier, due to higher deliveries per dairy and some increase in the number of producers. Although receipts were higher than last year, handlers purchased for Class I use during October 3 million pounds of milk from outside sources. The lower cost and more liberal supply of feed grains as compared to a year ago has favored a higher rate of milk production, but reduced feed costs have been offset at least in part by increases in other costs involved in milk production. Farm wage rates without board in Pennsylvania have increased about 6 percent during the year, and the over-all index of prices paid by farmers for commodities (including purchased feeds) is slightly higher than a year ago. Also, prices of dairy ration at wholesale have risen 7 percent or more from the low in October this year, indicating the possibility that retail feed prices will make a similar recovery. There are some indications that prices of basic grains will in the near future stabilize near support levels.

The Class I prices requested by producers for the year 1949 do not represent any change in the basic level of the price for Class I milk under the order. The seasonal adjustments proposed, which would consist of 40-cent per hundredweight decreases on January 1 and April 1, and increases of the same amount on July 1 and October 1, would restore the Class I price to the same level in the last quarter of 1949 as now prevails in the last quarter of 1948. Handlers requested that the price for the first quarter of 1949 should be \$5.80 per hundredweight. This request appeared to be based on the argument that the price requested by producers should be reduced by 10 cents per hundredweight to cover various costs incurred by handlers. This is not considered a valid reason for reducing the price to producers, since it gives no consideration to the price needed to bring an adequate supply of milk to the market. In their brief, handlers argued that Class I prices in other northeastern markets are expected to drop 66 cents per hundredweight on January 1, 1949, and that therefore the Class I price in this market should be reduced 50 cents instead of 40 cents. Handlers submitted no evidence on the record, however, as to how this would result in a proper alignment of this market with other northeastern markets.

It is concluded that no change should be made in the basic level of price for Class I milk in this market at this time, except for appropriate seasonal adjustments.

Both producers and handlers at the hearing emphasized the need for sea-

sonal pricing of Class I milk in order to promote a more stable supply of milk and to obtain more milk during the short season. The proposed pattern of seasonal pricing with decreases of 40 cents per hundredweight on January 1 and April 1, with corresponding increases on July 1 and October 1 has become an accepted practice in this market and should be continued for the purpose of achieving less seasonal variation in supplies.

Producers' representatives at the hearing requested that minimum Class I prices be established at this time for the entire year of 1949 in order to give dairy farmers the assurance needed for continuing a high rate of milk production into the fall months. A brief filed by producers reaffirmed this request. Consideration of this request on the basis of the evidence must take account of the considerable changes which have occurred during recent years in various economic factors which influence milk production. It is not possible to conclude that these economic factors have now reached a stable level. Although the producers' association making this proposal for Class I prices during 1949 acknowledged in testimony and in their brief that some change in the basic level of the price might be necessary during the course of the year if there were a marked change in economic conditions, no evidence was offered as to what kind or extent of economic change would be sufficient to warrant a change in the basic level of the Class I price. It is therefore concluded that the first 6 months of 1949 is the maximum period for which prices can be established in advance at this time with reasonable assurance that such prices can be maintained. The prices for this period should be \$5.90 per hundredweight for January, February and March 1949, and \$5.50 per hundredweight for April, May and June 1949. The provision of adequate prices for the last half of the year can be accomplished under the Agricultural Marketing Agreement Act through a further hearing at a later date. Continuation of the seasonal pattern of pricing, as herein recommended, would of course require upward adjustments on July 1 and October 1, relative to whatever basic annual price level might be established, equivalent to the seasonal decreases on January 1 and April 1.

The butter formula now in the order as a basis for Class I prices should be retained in view of the lack of any alternative method offered by which changing economic conditions can be reflected in the Class I price.

The order provides that the Class I price shall be \$5.56 in the month of January each year, unless the average of the highest prices for 92-score butter sold at wholesale at New York for the preceding month is 67 cents per pound or less, in which case the Class I price shall be 40 cents less, or \$5.16 per hundredweight; or if such butter prices average 82 cents or over, the Class I price shall be 40 cents higher, or \$5.96. In October 1948 the daily prices of 92-score butter at New York averaged 64.6 cents per pound. It is apparent that under existing provisions of the order the resulting Class I price could drop from the December level

of \$6.30 per hundredweight to \$5.16 in January. Such a drop in the price at this time would seriously threaten an adequate supply of pure and wholesome milk for the Philadelphia marketing area, would disrupt orderly marketing, and would be contrary to the public interest. It is therefore found that an emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Agricultural Marketing Agreement Act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings or to reach such conclusions are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of October 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, in the manner set forth in the attached amending order is approved or favored by producers, who during such representative period were engaged in the

production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" and "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of December 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 **Findings and determinations.** The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held on December 6, 1948, upon a proposed amendment to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

In § 961.4 (a) (1) delete the proviso "And provided further, That the price shall be at least \$5.90 for each of the months of August and September 1948, and at least \$6.30 for each of the months of October, November and December 1948" and substitute, "And provided further That the price shall be at least \$5.90 per hundredweight for each of the months of January, February and March 1949, and at least \$5.50 per hundredweight for each of the months of April, May and June 1949."

[F. R. Doc. 48-11284; Filed, Dec. 24, 1948; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

BLOCKED ASSETS; REGULATIONS ISSUED BY OFFICE OF ALIEN PROPERTY

Revocation of General License No. 95. Section 131.95 of Title 31 of the Code of Federal Regulations, as amended, General License No. 95, is hereby revoked, effective midnight December 31, 1948; *Provided*, That such revocation shall in no way affect the status of property licensed thereunder by reason of a certification received in the United States by the holder or custodian of such property prior to midnight December 31, 1948; *And provided further*, That property, concerning which a certification is received in the United States by the holder or custodian thereof after midnight December 31, 1948, shall not be regarded as licensed thereunder.

Revocation of General Ruling No. 19. General Ruling No. 19, Appendix A to Part 131 of Title 31 of the Code of Federal Regulations, as amended, is hereby revoked.

(40 Stat. 411, 55 Stat. 939, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193; July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, October 14, 1946, 3 CFR, 1946 Supp., E. O. 9989, August 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C., this 22d day of December 1948.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-11282; Filed, Dec. 24, 1948;
9:00 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the
Federal Reserve System

[Reg. VI]

PART 222—CONSUMER INSTALLMENT CREDIT MISCELLANEOUS AMENDMENTS

1. Part 1 of § 222.9 is hereby amended, effective January 1, 1949, in the following respects:

By inserting after "\$50.00" in Part 1 of § 222.9 *Supplement*, the following language and footnote reference: "exclusive of any applicable sales tax^{*}" and by adding the following footnote to Part 1 of § 222.9:

^{*}The exclusion of sales taxes in Part 1 of § 222.9 does not affect the use of the term "Cash Price" elsewhere in Part 222. "Cash Price" as defined in § 222.8 (h) (7) generally includes applicable sales taxes.

2. (a) The purpose of the amendment is to release from the scope of Part 222 articles selling for \$50.00 or more only because of the inclusion of any applicable sales taxes in the price of the article to the purchaser.

(b) The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2 (e) of the Board's rules of procedure (12 CFR 262.2 (e)) and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 5 (b) 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) 50 U. S. C. App. 616, 617, E. O. 8843, Aug. 9, 1941, and Pub. Law 905, 80th Cong.)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-11240; Filed, Dec. 24, 1948;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 7—GENERAL PROCEDURES

EDITORIAL CHANGES INCIDENT TO PUBLICA- TION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

EDITORIAL NOTE: In order to conform Part 7 of Title 16 to the scope and style of the Code of Federal Regulations, 1949 edition, as prescribed by the regulations of the Administrative Committee of the Federal Register approved by the President, October 12, 1948 (13 F. R. 5929) the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER:

1. The headnote of Part 7 is amended to read "General Procedures."

2. The codification of § 7.1 to 7.7, is hereby discontinued and designated Section I to VII. Future amendments to descriptions of organization will appear in the Notices section of the FEDERAL REGISTER.

3. Sections 7.8 to 7.17, are hereby renumbered § 7.1 to 7.10.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of December 17, 1948, effective on date of publication thereof in the FEDERAL REGISTER.

By direction of the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-11243; Filed, Dec. 24, 1948;
8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52114]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

ADDITIONAL INFORMATION REQUIRED ON CUS- TOMS INVOICES FOR BRAIDS, PLAITS, LACES, WILLOW SHEETS OR SQUARES, AND CERTAIN HATS, BONNETS, AND HOODS

In addition to all other information required by law or regulation, customs invoices for braids, plaits, laces, and willow sheets or squares provided for in paragraph 1504 (a), Tariff Act of 1930, as modified, if not containing a substantial part of rayon or other synthetic textile, and for hats, bonnets, and hoods provided for in paragraph 1504 (b) (1) or (2), Tariff Act of 1930, as modified, shall contain in respect of each type of article a statement whether the article is colored, dyed, or stained, and, if not colored, dyed, or stained, a description of any materials or processes which removed or otherwise affected the natural color of the article or of the material from which it was made, or a statement that no such material or process has been applied.

This requirement shall be effective as to such articles imported after a period of 60 days has elapsed following the date of publication of this notice in the weekly Treasury Decisions.

(Sec. 481 (a) (10) 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (1) Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (1)) as amended, is hereby further amended by changing to a semicolon the period following the 1st opposite the item "Braids, plaits, laces, and willow sheets or squares" and adding the number and date of this decision; and by inserting under the item referred to above a new item "Hats, bonnets, and hoods provided for in paragraph 1504 (b) (1) or (2) Tariff Act of 1930, as modified" and by placing opposite such addition the number and date of this Treasury decision.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1431, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: December 20, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.
[F. R. Doc. 48-11276; Filed, Dec. 24, 1948;
8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,^{*} Amdt. 57]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, item 181a, is amended to describe the counties in the Defense-Rental Area as follows: "In Scotts Bluff County, the Cities of Scottsbluff, Gering and Mitchell."

This decontrols from §§ 825.1 to 825.12 all of the Scottsbluff, Nebraska, Defense-Rental Area except the Cities of Scottsbluff, Gering and Mitchell.

(Sec. 204 (d) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective December 25, 1948.

Issued this 22d day of December 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 57 to the Controlled Housing Rent Regu- lation

It is the judgment of the Housing Expediter that the need for continuing maximum rents on housing accommodations subject to the Controlled Housing Rent Regulation in that portion of the Scottsbluff, Nebraska, Defense-Rental Area which is outside the Cities of Scotts Bluff, Gering and Mitchell, no longer

^{*} 13 F. R. 5706, 5783, 5877, 5937, 6246, 6263, 6411, 6559, 6331, 6310, 7239, 7671, 7801, 7862.

exists due to the fact that the demand for such rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said portion of said defense-rental area from said regulation in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-11269; Filed, Dec. 24, 1948; 8:48 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments,¹ Amdt. 57]

PART 325—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, item 181a, is amended to read as follows: "(181a) [Revoked and Decontrolled]"

This decontrols from §§ 825.81 to 825.92 all of the Scottsbluff, Nebraska, Defense-Rental Area.

2. Schedule A, item 166, is amended to read as follows: "(166) [Revoked and decontrolled]"

This decontrols from §§ 825.81 to 825.92 all of the Hattiesburg, Mississippi, Defense-Rental Area.

(Sec. 204 (d) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d) Applies sec. 204 (c) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective December 25, 1948.

Issued this 22d day of December 1948.

TIGHE E. WOODS,
Housing Expediter

Statement To Accompany Amendment 57 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents on housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Scotts Bluff, Nebraska and the Hattiesburg, Mississippi, Defense-Rental Areas no longer exists due to the fact that the demand for such rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said defense-rental areas from said regulation in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-11270; Filed, Dec. 24, 1948; 8:48 a. m.]

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6332, C211, 7299, 7672, 7801, 7862.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Subtitle B, Chapter I of Title 31 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (31 F. R. 5929) the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. Parts 50 and 52 are deleted.
2. Parts 70, 71, 72, 77, 78 and 79 are revoked.
3. The forms reproduced in Part 80 following § 80.12 are deleted.

4. The codification of Part 91 is discontinued, and future amendments to this material will be published in the Notices section of the FEDERAL REGISTER.

5. Part 92 is revised to read as follows:

PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

SUBPART A—PROCEDURES

§ 92.1 *1933 gold orders.* With certain exceptions, all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States all gold coins (except those which were of recognized special value to collectors of rare and unusual coins) gold bullion, and gold certificates situated in the United States, pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933 (31 CFR, 1938 ed., Part 50) and the Order of the Secretary of the Treasury of December 28, 1933 (31 CFR, 1938 ed., Part 52) (hereinafter referred to as the gold orders). Gold coins, bullion, and certificates withheld in violation of the gold orders are still required to be delivered in accordance therewith.

§ 92.2 *Melted or treated gold improperly withheld.* Persons holding gold in melted or treated form which was required to be delivered by the gold orders, or which is not authorized to be held under the Gold Regulations issued under the Gold Reserve Act of 1934 (Part 54 of this title) (hereinafter referred to as the Gold Regulations) should immediately deliver such gold to a mint or assay office. Payment for gold held in non-compliance with the gold orders is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (Part 53 of this title)

§ 92.3 *Regulations governing gold.* Gold in any form may be presently acquired, held or disposed of only in accordance with the Gold Regulations, set forth in Part 54 of this title, and the procedural requirements of this part. Except as otherwise indicated, disposition of gold not authorized to be acquired or held under the Gold Regulations is determined by the Director of the Mint on the basis of the facts and circumstances in each case.

§ 92.4 *Applications for gold licenses.* Generally speaking, applications for gold licenses are required to be submitted to the mint or assay office in the district in which the applicant resides or has his principal place of business. Applications are given preliminary processing for completeness and technical acceptability and are then forwarded to the office of the Director where the determination is made concerning the eligibility of the applicant to receive a gold license.

§ 92.5 *Issuance of gold licenses.* The Bureau of the Mint issues gold licenses in accordance with the provisions of the Gold Regulations. In addition to determining whether applicants satisfy the specific requirements for the issuance of a gold license, the Bureau investigates the general business reputation, character and financial responsibility of the applicant before authorizing the issuance of a gold license.

§ 92.6 *Gold which may be purchased by the United States.* For categories of gold which are purchased by the mints and assay offices, the requirements for acceptability of such gold, and the purchase price under the Gold Regulations, see part 54, subparts F and H, of this title and § 92.8. Disposition of gold not eligible for purchase under the Gold Regulations is determined by the Director of the Mint, except that gold held in non-compliance with the gold orders is purchased in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934.

§ 92.7 *Deposits of gold bullion with a mint or assay office for purchase or return in bar form.* Any owner of gold bullion, lawfully entitled to hold such gold, may deposit it at the mint or assay office in the district in which is located his residence or his principal place of business, for return in the form of stamped bars (but in no case is a gold bar of less weight than 5 ounces made or issued) when licensed to receive such bars under the Gold Regulations, or for sale to the Government if acceptable. No return or payment is made for base metal contained in the deposit.

§ 92.8 *Acceptability of gold deposits.* If a gold deposit is found to contain less than one ounce of fine gold, less than 200 parts of gold in 1,000, or if the report of the Assayer indicates it is unsuitable for mint operations, it will not be purchased. An unacceptable deposit may be returned to the depositor only if he is authorized under the Gold Regulations to hold such gold in such amounts. If the depositor is not authorized to hold such gold, at his request and by authorization of the Director, it is delivered for his account to a refiner or other person licensed to acquire and hold such gold.

§ 92.9 *Deposit of newly-mined domestic silver with a mint or assay office.* Any owner of newly-mined domestic silver, mined subsequently to July 1, 1939, as defined in the Newly-Mined Domestic Silver Regulations of July 6, 1939, as amended and supplemented (Part 80 of this title), may deposit such silver at the mints; return for such silver is made in accordance with such regulations. Deposits of newly-mined domestic silver must be accompanied by duly executed affidavits satisfactory to the mint as evidence that

such silver is eligible for deposit. As a matter of convenience to the public, the assay office at Seattle will accept eligible silver for the account of the mint at San Francisco. Silver of this category will be accepted provided it contains at least 200 parts in 1,000 of silver or of gold and silver combined. The gold content of such deposits will be paid for at the rate set forth in § 54.42 of the Gold Regulations upon compliance with § 54.38 of said regulations. No payment or return will be made for base metal contained in the deposit.

§ 92.10 *Deposit of silver for return in bar form.* Silver bullion not eligible for deposit under § 92.9 may be deposited at any mint or assay office for return in the form of unparted stamped bars; and at the mints and the New York Assay Office for return in refined stamped bars; provided that such silver contains not less than 600 parts of silver in 1,000 and not more than 10 parts of gold in 1,000. (The gold content of such deposits if eligible for purchase under § 54.50 (b) is paid for at the price set forth in § 54.42 of the Gold Regulations; no return is made for base metal contained in the deposit.) No silver bar of less than 25 ounces is issued by any mint or assay office except in exchange for a deposit containing less than 25 ounces, and in no case is a bar of silver of less weight than 5 ounces made or issued by any mint or assay office.

§ 92.11 *Silver contained in gold bullion.* At the option of the depositor, silver contained in gold bullion sold to the Government is returned to the depositor in the form of silver bars or purchased at such valuations as are from time to time established by the Director of the Mint.

§ 92.12 *Receipt of bullion deposits.* As a matter of expedience and convenience to the public, the officers in charge of the mint institutions are authorized to receive deposits of bullion by express or mail. In cases where doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person. When gold or silver deposits are received by express or mail, or when formal receipts are not requested by the depositors of silver bullion, memorandum receipts are issued to the depositors. Whenever the depositor of silver requests a formal receipt, he is given a receipt on Form 7a for the before-melting weight of his deposit. No receipt on Form 7a may be given to a depositor of gold bullion. Receipts on Form 7a must be surrendered, properly indorsed by the depositor at the time payment is made for the silver bullion represented thereby. If the depositor of silver bullion loses his receipt on Form 7a, it is necessary for him before payment is made to give a bond of indemnity for double the value of the deposit.

§ 92.13 *Handling of bullion deposits.* All bullion deposited or purchased at any of the mints or assay offices is weighed, when practicable, in the presence of the depositor or his agent, and the weight is

verified by some official or competent employee of the mint. Weights are recorded in troy ounces and hundredths of an ounce. In receiving and weighing deposits, fractions of one-hundredths of an ounce are disregarded. When several parcels are deposited by the same depositor at the same time they may be weighed separately at his request, but separate assays are made only subject to separate melting charges for each parcel assayed.

The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The proportion of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on Form 39 which is signed by the Assayer. This Form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected.

§ 92.14 *Charges on bullion deposited.* The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed in their judgment the actual average cost to each mint and assay office of the material, labor, wastage and use of machinery employed. The current charges are set forth in the Table of Charges (Part 90 of this title). Depositors are credited with the after-melting weight of their bullion. The detailed memorandum of the weight of bullion after melting, the report of the Assayer as to fineness, the value of the deposit and the amount of the charges are given to the depositor.

§ 92.15 *Payment for bullion deposits.* Payment for bullion is made, in so far as practicable, in the order in which the deposits are received at the mints, by check drawn in favor of the depositor (or if payment is for silver bullion to such other person as he may designate) except when cash is requested. In no case is a check in payment of a deposit drawn in favor of any officer or employee of the institution where the deposit is made, and in no case may any person employed in the institution act as agent for the depositor. Checks may be sent by ordinary mail at the risk of the payee or by registered mail at their request and expense.

§ 92.16 *Advance payment.* When the approximate fineness of a deposit of bullion containing \$5,000 or more in gold or 5,000 or more ounces of silver may be readily determined, partial payment of 90% of the value may be made in the discretion of the officer in charge. If the fineness is closely determined by assay, and the deposit is awaiting remelting and reassay for exact determination, partial payment up to 93% of the value may be made. Partial payment of 96% of the declared value of a deposit of foreign coin valued at at least one million dollars may be made after its weight and approximate value have been determined. On a deposit of a million dollars in value of gold bullion not

less than 0.995 fine, payment of 98% of the declared value may be made after the weight and approximate value have been determined. Other advances may be authorized by the Secretary of the Treasury. In any case of an advance the depositor must give a written guaranty that the value of the deposit is at least equal to the amount advanced.

§ 92.17 *Redemption and deposit of United States coin.* United States gold coin is received at the mint institutions in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934. Coin eligible for acceptance under such instructions if of legal weight is paid for at face value; if worn or mutilated is received as standard metal without previous melt or assay (except when it may be necessary to establish the amount of foreign substance present that cannot otherwise be determined) and is paid for as bullion at the rate of \$20.67+ per ounce of fine gold.

The regulations governing the redemption and exchange of silver and minor coins are set forth in Part 100 of this title.

§ 92.18 *Sale of gold.* The regulations governing the sale of gold by mint institutions and the sale price thereof are set forth in §§ 54.43 and 54.44 of this title. Payment for the gold is required at the time of delivery of the bars. Payment by check will be accepted but delivery will not be made until the check has been deposited by the officer in charge of the institution and has cleared.

§ 92.19 *Sale of "proof" gold.* "Proof" gold (i. e., gold at least 0.9999+ fine) is sold only in exceptional cases upon specific authorization of the Director of the Mint, at a charge equal to \$35 per fine troy ounce plus $\frac{1}{4}$ of 1% plus cost of manufacture.

§ 92.20 *Sale of silver.* An application for the purchase of silver may be filed with the mint or assay office in the district in which the applicant has his principal place of business, on forms which are available at all mints and assay offices and the Office of the Director of the Mint. The right is reserved to supply the silver, however, from any other mint institution if the interest of the Government so requires. Silver will be sold only in amounts required for manufacturing use in the normal conduct of the applicant's business. Applications for unusual amounts of silver are required to be referred to the Office of the Director of the Mint for approval before the sale can be made. Silver is sold at a price not less than 90.5¢ per fine troy ounce. Transportation charges from the mint institution to the purchaser are paid by the purchaser. Payment for silver may be made in the same manner as set forth for gold in § 92.18.

§ 92.21 *Sale of "proof" silver.* "Proof" silver (i. e., silver 0.9999+ fine) is sold only in exceptional cases upon specific authorization of the Director of the Mint at a rate established from time to time which includes the cost of manufacture. "Proof" silver may also be supplied in exchange for silver furnished by the applicant, with appropriate charges to cover the cost of manufacture.

§ 92.22 *Assays of bullion and ores.* Samples of bullion are assayed for the public at all mint institutions at the charges set forth in the Table of Charges (Part 90 of this title). Samples of ores are assayed at the Seattle Assay Office at the charges set forth in the Table of Charges.

§ 92.23 *Manufacture of medals.* With the approval of the Director of the Mint, dies for medals of a national character may be executed and struck at the Philadelphia Mint. Mint institutions are not authorized to prepare dies for private medals. However, when in the opinion of the Director the regular business of the mint permits and when the Director so specifically authorizes, private medals may be struck from dies furnished by the parties in interest; charges are assessed to cover the cost of the operations. Application for the manufacture of such medals may be made by letter to the Superintendent of the Philadelphia Mint.

§ 92.24 *Sale of "list" medals.* Medals on the regular mint list, when available, are sold to the public at a charge sufficient to cover their cost. Copies of the list of medals available for sale and their selling prices may be obtained from the Superintendent of the Philadelphia Mint.

§ 92.25 *Manufacture of "proof" coins.* "Proof" coins, i. e. coins prepared from blanks specially struck and polished, are made at the Philadelphia Mint, upon specific authorization by the Director and are sold by the Superintendent at a price fixed by the Director, which is face value plus a charge sufficient to cover the additional expense of their preparation. Their manufacture and issuance are contingent upon the demands of regular operations. "Proof" coins are made only in the regular issues and designs of the coins of the year in which they are struck.

§ 92.26 *Informal procedures.* Officials of the Bureau of the Mint are available by appointment for consultation on problems involving the functions of the Bureau, interpretation of regulations, or similar matters. A request for reconsideration of a denial of an application for a license, of a revocation, suspension or modification of an existing license, or of any other administrative determinations of the Bureau, may be addressed to the Director of the Mint. Upon written request the Director will schedule a hearing in the matter at which time there may be brought to the attention of the Bureau any information bearing thereon.

§ 92.27 *Opinions, rulings and orders available to the public.* Final opinions, rulings and orders issued by the Bureau of the Mint in specific cases in connection with administration of the gold and silver regulations and other mint matters are not cited as precedents and, accordingly, are not published or made available to the public except in the discretion of the Director of the Mint upon specific request and a showing of legitimate interest therein. Rulings and opinions of general applicability are available to the public upon written request to the Director.

§ 92.28 *Matters of official record.* The following are deemed to be matters of official record within the meaning of section 3 (c) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1002 (c))

- (a) Applications for gold licenses.
- (b) Gold licenses, and notifications from the Director of the Mint to the mint institutions instructing them to grant or deny specified applications for gold licenses, or to revoke, suspend or modify specified existing gold licenses.
- (c) Reports submitted by gold licensees and by depositors of silver.
- (d) Audit reports of silver refining companies, made by field auditors of the Mint Bureau.
- (e) Affidavits and statements accompanying deposits of gold and silver.
- (f) Records of before-melting weight of gold and silver.
- (g) Final report of assay and calculation of value of bullion (supplied to depositor on Form 39)
- (h) Transcripts of hearings with exhibits and other supporting documents.
- (i) Correspondence relating to each of the above.
- (j) Investigative reports.
- (k) Rulings and opinions issued in connection with administration of gold and silver regulations and other mint matters.

§ 92.29. *Official—*(a) *Official records deemed confidential.* Official records falling within § 92.23 (a) through (j) are held to be confidential for the following causes: (i) They do not contain information of legitimate concern to the general public; (ii) they may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises; and (iii) to permit general inspection of such documents would violate public and private confidence and would be contrary to the best interest of the Government and of persons dealing with the Bureau of the Mint.

(b) *Availability of Official records deemed confidential.* Official records deemed confidential are available for inspection as follows:

- (a) An applicant for a gold license and his agent or successor in interest may inspect documents included in § 92.28 (a) (b) (c) and (i) which refer to his application;
- (b) Gold licensees, persons whose licenses have been revoked, persons whose applications have been denied, and their agents or successors in interest may inspect documents included in § 92.28 (a) (b) (c) (h) and (i) which refer to their applications or licenses;
- (c) Depositors of gold or silver may inspect documents included in § 92.28 (e) through (g) and (i) which refer to their deposit; and
- (d) Persons properly and directly concerned, upon the furnishing of a court order therefor entered in pending litigation, or in lieu thereof with the written consent of the person authorized to inspect the documents under paragraphs (a), (b) or (c) of this section, may inspect documents included in § 92.28 (a) through (i)

Applicants will be advised of the records which they will be permitted to

examine, the time and place of examination. In certain instances, where facilities permit, copies of documents may in the discretion of the Director be sent to the applicant. A reasonable fee may be charged for furnishing copies of official records.

§ 92.30 *Requests for information or official records.* Requests for information or to examine matters of official record should be directed to the Director of the Mint. The request should clearly state the information desired and set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he should attach to the application evidence of his authority to act for his principal.

SUBPART B—DESCRIPTION OF FORMS AND REQUIRED STATEMENTS

§ 92.40 *Description of; copies of forms.* The description of the forms and required statements contained in this subpart are not intended to indicate the detail of the forms but are merely general references to the use and content thereof. Copies of the forms may be obtained from the Treasury Department, Bureau of the Mint, Washington 25, D. C., or any Bureau of the Mint field institution.

Forms Relating to Gold Matters

§ 92.41 *Experience statement.* This statement is required of miners and other gold producers desiring to obtain gold licenses. Information is required concerning name and location of each mine or other sources of gold, and the amounts of gold acquired, disposed of and held.

§ 92.42 *Special statement of depositor of gold in melted form.* (See § 92.2) This statement is required of persons holding gold in melted or treated form which was required to be delivered to the United States under the gold orders or which is not authorized to be held under the Gold Regulations, upon delivery of such gold to a mint or assay office for purchase. Information is required concerning the acquisition, and the melting and treating of the gold.

§ 92.43 *Form TG-11. Application for license to export gold coin having a recognized special value to collectors of rare and unusual coins.* (See § 54.20 of this title) The applicant is required to submit a description of each coin, including date, denomination, country of issue, condition, mint mark (if any), and design. Additional information is required if it is desired to export United States quarter eagles. Port of export and the name and address of the person to whom the gold coins will be exported are also required to be stated.

§ 92.44 *Forms TG-12 and TG-12 Supplemental. Application for license to acquire and hold, transport, melt and treat, or import gold for use in industry, profession, or art, or for sale to the United States.* (See §§ 54.24 and 54.25 of this title) The applicant is required to submit information concerning the nature of his business, his particular needs for gold and a gold license, and his relationship to other gold licensees.

§ 92.45 *Form TGR-12: Quarterly report of scrap gold dealers.* This report is required of holders of gold licenses on Form TGL-12, which authorizes the licensee to deal in unrefined scrap gold. Detailed information is required concerning the acquisition, holding and disposition of unrefined scrap gold by the licensee during the quarter.

§ 92.46 *Form TGR-12: Supplemental* This is a supplemental report to Form TGR-12 and is required of persons authorized to deal in retort sponge, filings, clippings, pieces and the like, in addition to unrefined scrap gold. The report calls for the details concerning the acquisition, holding, and disposition of such gold.

§ 92.47 *Form TGR-13: Quarterly report for holders of licenses on Form TGL-13.* This report is required of holders of gold licenses on Form TGL-13. Detailed information is required concerning the acquisition, holding and disposition of gold in all forms by the licensee during the quarter.

§ 92.48 *Form TGR-14. Quarterly report for holders of licenses on Form TGL-14.* This report is required of holders of gold licenses on Form TGL-14. Detailed information is required concerning the acquisition, holding and disposition of gold by the licensee during the quarter.

§ 92.49 *Form TG-15. Application for license to export or transport semi-processed gold from the continental United States.* (See § 54.25 (c) of this title) Information is required concerning the amount and domestic market value of the semi-processed gold which it is desired to export, the description of the semi-processed gold, the port of export, the consignee, and the purposes for which the gold will be used abroad.

§ 92.50 *Statement to accompany applications to export substantial quantities of semi-processed gold.* This statement is required of the consignee of the gold and must accompany applications on Form TG-15 to export substantial quantities of semi-processed gold. Information is required concerning the business of the consignee, the use to be made of the gold, and the disposition of previous holdings of gold; the consignee is also required to state that the proposed importation and payment therefor are authorized or licensed under the applicable laws of the country of importation.

§ 92.51 *Form TG-15 (General) Application for general license to export semi-processed gold.* Application is submitted on this form instead of Form TG-15 if the applicant desires to obtain a license to cover recurring shipments to regular customers for specified amounts and types of semi-processed gold of 22 karats or less. This application is required to be submitted on a quarterly basis, and information is required with respect to each consignee.

§ 92.52 *Form TGR-15 (General) Report for holders of general licenses on Form TGL-15 (General).* This report is required of holders of gold licenses on Form TGL-15 (General). Detailed in-

formation is required concerning the exportations made during each quarter pursuant to the general license.

§ 92.53 *Form TG-15-B: Application for general licenses to export gold in any form for refining or processing.* (See § 54.25 (c) of this title) The applicant is required to set forth a description of the gold which it is desired to export for refining or processing, the amounts of such gold, the ports of export, and the specific reason for exporting the gold. The applicant is also required to agree that he will reimport into the United States the refined or processed gold (or its equivalent in refined or processed gold) derived from the gold exported.

§ 92.54 *Form TGR-15-B: Monthly report for holders of general licenses on Form TGL-15-B.* This report is required of holders of gold licenses on Form TG-15-B. Information is required concerning the gold exported for refining or processing and the reimportations of the refined or processed gold derived therefrom, during the calendar month of the report.

§ 92.55 *Form TG-16: Application for a license to export gold refined from imported gold-bearing materials.* (See § 54.32 of this title) The applicant is required to submit information as to the amount of refined gold to be exported, names and addresses of the consignees, the location of the plant at which the gold was refined, and the ports of export; and to make certain representations concerning its interest in the gold.

§ 92.56 *Form TG-17 Application for license to import, hold, transport, and reexport gold imported for reexport.* (See § 54.33 of this title) The applicant is required to submit information concerning the entry and reexport of the gold, the amount and description of the gold, the name and address of the consignee, and place of delivery abroad.

§ 92.57 *Form TG-18: Application for license to acquire, transport, melt or treat, import, export or earmark gold or hold gold in custody for foreign or domestic account.* (See § 54.34 of this title) Application is made on this form for a license to deal in gold for purposes other than those specified in the Gold Regulations which in the judgment of the Secretary of the Treasury are not inconsistent with the purposes of the Gold Reserve Act of 1934. The applicant is required to submit a complete statement of the nature of the transaction or type of transactions for which the gold is to be used, the reasons why gold is required, and the grounds on which he bases his belief that such use of the gold is not inconsistent with the Gold Reserve Act.

§ 92.58 *Supplemental to application on Form TG-18: Statement and agreement of applicant for license to transfer lawfully held gold coin and gold bullion to the Federal Reserve Bank of New York to hold in custody for the account of the central bank of applicant's country.* The applicant is required to submit detailed information concerning the gold, and his activities in the United States since April 5, 1933.

§ 92.59 *Form TG-19: Statement accompanying deposits by persons who have recovered gold by mining or panning.* (See § 54.38 (a) (1) of this title) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.60 *Form TG-20: Statement accompanying deposit by persons who have recovered gold in the regular course of their business of operating a custom mill, smelter, or refinery.* (See § 54.38 (a) (2) of this title) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.61 *Form TG-21. Statement accompanying deposits by persons purchasing gold directly from miners or panners.* (See § 54.38 (a) (3) of this title) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.62 *Form TG-22: Statement of depositor of unrefined scrap gold.* (See § 54.39 of this title) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.63 *Form TG-23: Statement to accompany deposit of gold imported into the United States (other than fine gold bars imported after January 30, 1934).* (See § 54.40 of this title) The depositor is required to submit a description of the gold, the name of the foreign shipper, the date of arrival of the gold in the United States, and to certify to other facts.

§ 92.64 *Form TG-24: Application and statement of purchaser of gold from mint or assay office for use in industry, profession, or art.* (See § 54.43 of this title) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold used during the preceding year.

§ 92.65 *Form TG-25. Application and statement of purchaser of gold from mint or assay office by person engaged in the business of furnishing gold for use in industry, profession, or art.* (See § 54.43 of this title) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold used during the preceding year.

§ 92.66 *Form TG-26: Statement to accompany deposit of gold refined from gold-bearing material imported into the United States.* (See § 54.50 (a) of this title) The Depositor is required to submit information concerning his business, the description of the gold, the importation of the gold-bearing materials and the refinement thereof.

§ 92.67 *Form TG-27: Statement of depositor of gold filings, clippings, pieces, and the like.* (See § 54.50 (c) of this title) The depositor is required to submit information concerning the description of the gold, and the acquisition,

transportation, melting or treating of the gold.

§ 92.63 *Form TG-28: Statement of person depositing gold recovered from mint sweeps.* (See § 54.50 (d) of this title) The depositor is required to describe the gold and to certify that the gold contained in the deposit was recovered from sweeps purchased from a mint or assay office.

Forms Relating to Silver Matters

§ 92.75 *Application to purchase silver from the Treasury Department under the act of July 31, 1946, P. L. 579, 79th Congress (60 Stat. 750; 31 U. S. C. 316d)* The applicant is required to state that the amount of silver which he desires to purchase, together with that on hand, will not exceed his normal requirements for a 2-months period, and that the silver is "for manufacturing uses"

§ 92.76 *Forms prescribed (for deposits) under the act of July 6, 1939.* The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1939, and deposited with a mint institution pursuant to section 4 of the act of July 6, 1939 (59 Stat. 998; 31 U. S. C. 316c) (See part 80 of this title)

(a) *Form TSA-1: Affidavit and agreement by owner relative to silver mined subsequently to July 1, 1939.* This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA-2: Affidavit of miner relative to silver mined subsequently to July 1, 1939.* This is a supporting affidavit required to be submitted with Form TSA-1, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1939, the location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA-2A: Affidavit of miner relative to silver taken subsequently to July 1, 1939, from mine dumps and tailing piles which existed as such on midnight July 1, 1939.* This is also a supporting affidavit required to be submitted with Form TSA-1, when applicable. The affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA-3: Report of person delivering silver pursuant to the provisions of section 4 of the Act of July 6, 1939, and the regulations issued thereunder* A detailed report is required of the acquisitions, holdings and dispositions of silver mined subsequently to July 1, 1939.

§ 92.77 *Forms prescribed (for deposits) under the act of July 31, 1946.* The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1946, and deposited with a mint institution pursuant to the Act of July 31, 1946 (60 Stat. 750; 31 U. S. C. 316d) (See Part 80 of this title)

(a) *Form TSA-10: Affidavit and agreement by owner relative to silver mined*

subsequently to July 1, 1946. This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA-20: Affidavit of miner relative to silver mined subsequently to July 1, 1946.* This is a supporting affidavit required to be submitted with Form TSA-10, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1946, and location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA-20A: Affidavit of miner relative to silver taken subsequently to July 1, 1946, from mine dumps and tailing piles which existed as such on midnight July 1, 1946.* This is also a supporting affidavit required to be submitted with Form TSA-10, when applicable. The affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA-30: Report of person delivering silver pursuant to the provisions of the Act of July 31, 1946, supplementing the provisions of section 4 of the Act of July 6, 1939, and the regulations issued thereunder* A detailed report is required of the acquisitions, holdings and dispositions of silver mined subsequently to July 1, 1946.

6. Part 101 is revoked.

7. In part 128, §§ 128.1 through 128.4 are designated "Subpart A—Regulations" and the following new Subpart B is added:

SUBPART B—DESCRIPTION OF FORMS PRESCRIBED UNDER THIS PART

§ 128.10 *Copies.* Copies of the forms described in this subpart may be obtained from any Federal Reserve bank or the Treasury Department, Washington 25, D. C.

§ 128.11 *Foreign Exchange Form B-1. Liabilities to "foreigners"* On this form banks, bankers, etc., are required to report monthly to a Federal Reserve bank liabilities to foreigners which represent claims on institutions or individuals in the United States, as of the last day of business of the month.

§ 128.12 *Foreign Exchange Form B-1-A. Changes of domicile.* On this form banks, bankers, etc., reporting on Form B-1 are required to report monthly to a Federal Reserve bank data concerning changes of domicile resulting in additions to or eliminations from accounts reported on Form B-1.

§ 128.13 *Foreign Exchange Form B-1-G. Liabilities; "official foreign" accounts.* On this form banks, bankers, etc., are required to report monthly to a Federal Reserve bank liabilities to official foreign institutions which represent claims on institutions or individuals in the United States, as of the last day of business of the month.

§ 128.14 *Foreign Exchange Form B-2: Claims on "foreigners"* On this form banks, bankers, etc., are required to report monthly to a Federal Reserve bank assets owned by the reporter or a

domestic client which represent claims on foreigners, as of the last day of business of the month.

§ 128.15 *Foreign Exchange Form B-3: Outstanding forward exchange contracts.* On this form banks, bankers, etc., are required to report monthly to a Federal Reserve bank all outstanding forward contracts for the purchase or sale of foreign exchange to which they are parties, as of the last day of business of the month.

§ 128.16 *Foreign Exchange Form C-1. Liabilities to "foreigners" and sales of forward foreign exchange.* On this form exporters, importers, industrial and commercial concerns are required to report quarterly to a Federal Reserve bank liabilities to foreigners which represent claims on institutions or individuals in the United States and outstanding forward contracts to sell foreign exchange, as of the last day of business of the quarter.

§ 128.17 *Foreign Exchange Form C-2: Claims on "foreigners" and purchases of forward foreign exchange.* On this form exporters, importers, industrial and commercial concerns are required to report quarterly to a Federal Reserve bank their assets which represent claims on foreigners and their outstanding forward contracts to purchase foreign exchange, as of the last day of business of the quarter.

§ 128.18 *Foreign Exchange Form S-1/3: Purchases and sales of "long-term" securities by "foreigners."* On this form banks, bankers, brokers, dealers, etc., are required to report monthly to a Federal Reserve bank transactions in long-term securities executed in the United States for account of foreigners and transactions in long-term securities executed abroad for their own account and for the account of their domestic clients.

§ 128.19 *Foreign Exchange Form S-4. Foreign debit and credit balances.* On this form brokers, dealers, etc., are required to report monthly to a Federal Reserve bank the debit and credit balances in their accounts carried by or for foreigners, as of the last day of business of the month.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-11274; Filed, Dec. 24, 1948; 8:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF GENERAL LICENSE AND GENERAL RULING

CROSS REFERENCE: For revocation of § 131.95 and General Ruling No. 19, in Appendix A, see F. R. Document 48-11282, in Title 8, *supra*.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 35 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929) the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. Parts 3, 7, 8, 11, 14, 18, 22, 23, 26, 28, 29 and 31 are deleted.

2. The codification of Part 13 is discontinued. Future amendments of this material will appear in the Notices section of the FEDERAL REGISTER.

3. In Part-10, §§ 10.1 to 10.1t are redesignated §§ 10.1 to 10.21, respectively, and §§ 10.2 to 10.31 are redesignated §§ 10.22 to 10.59, respectively.

F. K. NEWCOMER,
Governor.

DECEMBER 20, 1948.

[F. R. Doc. 48-11263; Filed, Dec. 24, 1948; 8:58 a. m.]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PART 24—SANITATION, HEALTH, AND QUARANTINE

MISCELLANEOUS AMENDMENTS

NOTE: Rule 10 and Chapter VIII of Executive Order 4314 of September 25, 1925, as amended, was further amended by Canal Zone Order No. 15, July 15, 1948, effective September 1, 1948 (F. R. Doc. 48-11254, filed, Dec. 24, 1948). Canal Zone Order No. 15 was issued by the Secretary of the Army under authority vested in the President by sections 9 and 371 of title 2 of the Canal Zone Code (48 U. S. C. 1310, 1318), and delegated to the Secretary of the Army by Executive Order 9746 of July 1, 1946 (3 CFR, 1946 Supp.). The following consists of a codification of Canal Zone Order No. 15 together with certain regulations issued by the Governor of The Panama Canal (F. R. Docs. 48-11255 and 48-11256, filed, Dec. 24, 1948). Rule numbers of Executive Order 4314, as amended, and regulation numbers of the regulations of the Governor, are printed in brackets following sections of the codification derived therefrom. In addition certain editorial changes are effected in Part 24 of title 35 (designation of subparts and renumbering of § 24.100).

ARRIVING AND DEPARTING VESSELS

1. Sections 4.12 to 4.16 have been amended to comprise §§ 4.12 to 4.16a, reading as follows:

§ 4.12 *Boarding of arriving vessels.* Arriving vessels will be boarded inside the breakwater at the Atlantic entrance or off the seaward edge of the dredged channel at the Pacific entrance, by a boarding party composed of such persons as may be designated by the Governor. The Governor is authorized to prescribe regulations:

(a) Establishing the time for the boarding of vessels at the respective ports, in relation to a vessel's hour of

arrival and other pertinent circumstances; and

(b) Imposing and fixing appropriate charges for quarantine and immigration inspections involved in any boarding and which require night or overtime services, and for such inspections performed at any time pursuant to special demand made by or on behalf of the vessel. [Rule 10, E. O. 4314, Sept. 25, 1925, as amended, effective Sept. 1, 1948, by C. Z. Order No. 15, July 15, 1948, Secretary of the Army, under authority of sec. 9 of title 2 of C. Z. Code, 48 U. S. C. 1318, and E. O. No. 9746, July 1, 1946]

§ 4.13 *Composition of boarding party.* The boarding party shall consist of the customs officer and admeasurer, and, in the case of vessels subject to quarantine inspection or immigration inspection or both, the quarantine and immigration officer. [Reg. 10.1, Gov., July 27, 1948, effective Sept. 1, 1948]

AUTHORITY: §§ 4.13 to 4.16a issued under authority codified in secs. 4.11 and 4.12.

§ 4.14 *Time for boarding.* Vessels arriving at the Atlantic entrance between 6:00 a. m. and 9:00 p. m., or at the Pacific entrance between 6:00 a. m. and 7:00 p. m., will, except as otherwise provided in this regulation, be boarded upon arrival. A vessel may decline to be boarded and inspected after 6:00 p. m. provided notice thereof is given by the vessel or its agent prior to its being sighted. A vessel which is arriving after 6:00 p. m., and for the first time in Canal Zone waters, will be notified by the Port Captain in the event that admeasurement is to be delayed until the following day; and in the event of such delay, and in the further event that the vessel has no agent on the Isthmus, boarding and inspection after 6:00 p. m. may be declined subsequent to the vessel's being sighted. [Reg. 10.2, Gov., July 27, 1948, effective Sept. 1, 1948, as amended Sept. 29, 1948]

§ 4.15 *Charges for certain quarantine and immigration inspections.* Charges will be made at rates prescribed in the Panama Canal tariff for:

(a) Quarantine inspections and immigration inspections performed between 6:00 p. m. and the close of the boarding periods prescribed for the respective entrances by § 4.14;

(b) Quarantine inspections and immigration inspections performed at any time pursuant to special demand made by or on behalf of the vessel; and

(c) Immigration inspections performed between 5:00 p. m. and 8:00 a. m. where overtime immigration service is involved. [Reg. 10.3, Gov., July 27, 1948, effective Sept. 1, 1948, as amended Sept. 29, 1948]

§ 4.16 *Compliance with quarantine instructions.* In the case of vessels subject to quarantine inspection, all members of the boarding party shall comply strictly with instructions from the quarantine officer until free pratique has been granted. [Reg. 10.4, Gov., July 27, 1948, effective Sept. 1, 1948]

§ 4.16a *Designation and other signals.* Every vessel shall hoist its designation signal when approaching and entering a terminal port and those arriving at

night shall signal promptly their names by flashlight to the signal station. [Reg. 10.5, Gov., July 27, 1948, effective Sept. 1, 1948]

PART 24—SANITATION, HEALTH, AND QUARANTINE

2. The subdivision entitled "Practice of the Healing Art," embracing §§ 24.1 to 24.35, is designated Subpart A.

3. The subdivision entitled "Practice of Dentistry," embracing § 24.36, is designated Subpart B.

4. The subdivision entitled "Maritime Quarantine," embracing §§ 24.37 to 24.78, as amended and added, has been reentitled "Maritime and Aircraft Quarantine" has been amended to read as set forth in §§ 24.37 to 24.104, following; and is designated Subpart C:

AUTHORITY: §§ 24.37 to 24.104 issued under Canal Zone Code, title 2, sec. 371, 48 U. S. C. 1310, and E. O. 9746, July 1, 1946, by the Secretary of the Army in Canal Zone Order No. 15, July 15, 1948, effective September 1, 1948, amending and reentitling Chapter VIII of E. O. 4314, Sept. 25, 1925, as amended. Exceptions are noted in parentheses following Governor's regulations in sections affected.

SUBPART C—MARITIME AND AIRCRAFT QUARANTINE

Definitions

§ 24.37 *Definitions.* As used in this subpart, terms shall have the following meaning:

(a) *Aircraft.* Civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(b) *Communicable disease.* Any disease, the etiologic agent of which may pass or be carried directly or indirectly from one person to another.

(c) *Contact.* Any person known to have been in such association with an infected person, animal or vector as to have been presumably exposed to infection.

(d) *Contamination.* The presence in an article or matter of undesirable substance or material which may contain pathogenic microorganisms.

(e) *Disinfection.* The act of rendering anything free from the causal agents of disease.

(f) *Disinfestation.* The act of destroying the vectors of a communicable disease.

(g) *Foreign port.* Any seaport or airport other than a port under the control of the United States, a port of the Canal Zone, or the seaports of the cities of Panama and Colon, Republic of Panama.

(h) *Fumigation.* The process by which the destruction of vermin and rodents is accomplished by the employment of gaseous agents.

(i) *Immunity.* The condition of being protected against a particular disease either as a result of artificial immunization or through a previous attack of the disease in question.

(j) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestations of the disease.

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(k) *Infected vessel or aircraft.* A vessel or aircraft upon which a case of quarantinable disease exists or develops among persons or rodents aboard or upon which infected vectors of a quarantinable disease are found after embarkation.

(l) *Infestation.* The condition of harboring insects or rodents capable of transmitting disease.

(m) *Isolation.* The separation of human beings or animals from other human beings, animals, or vectors of diseases in such manner as to prevent the transmission of the disease.

(n) *Observation.* The detention under medical supervision of a person in such place and for such period of time as may be specified in the regulations in this subpart.

(o) *Port of the Canal Zone.* Any seaport or airport in the Canal Zone.

(p) *Port under the control of the United States.* Any seaport or airport in the continental United States, its territories, or possessions, other than the Canal Zone.

(q) *Pratique.* A certificate issued by a quarantine officer releasing or provisionally releasing a vessel or aircraft from quarantine.

(r) *Quarantine.* The detention of a person, vessel, aircraft or other conveyance, animal, or thing, in such place and for such period of time as may be specified in the rules in this subpart.

(s) *Quarantine officer.* A medical officer or other specially trained employee assigned to quarantine duty, or quarantine and immigration duty, by authority of the Governor.

(t) *Quarantinable diseases.* The specific communicable diseases: cholera, plague, smallpox, louse-borne typhus and yellow fever.

(u) *Rodents.* Gnawing mammals concerned in the transmission of quarantinable diseases.

(v) *Sanitary log.* A record of events and conditions of sanitary significance to the vessel.

(w) *Surveillance.* The temporary supervision of a person who has been released from quarantine upon the condition that he will submit himself to further medical examination or inquiry.

(x) *Suspected vessel or aircraft.* A vessel or aircraft arriving from a port infected or suspected of being infected with a quarantinable disease.

(y) *Typhus.* Louse-borne typhus.

(z) *Vector.* An insect, animal, plant, or thing which conveys pathogenic organisms from a person or animal to another person or animal.

(aa) *Vermis.* Any species of insect capable of being a vector in the transmission of disease. [Rule 102]

§ 24.38 *Incubation period.* For the purpose of this subpart the incubation period of the quarantinable diseases shall be:

Cholera—5 days.
Plague—6 days.
Smallpox—14 days.
Typhus—12 days.
Yellow fever—6 days.

[Rule 103]

§ 24.39 *Period of immunity.* The following shall be the period of immunity

following successful immunization with a vaccine approved by the national health department of the country in which the vaccine is administered, except that in the case of yellow fever, the vaccine must be approved by the approving authority designated by treaty.

Cholera—From 6 days through 6 months following inoculation.

Plague—6 months.

Smallpox—3 years.

Typhus—1 year.

Yellow fever—From 10 days through 4 years following inoculation.

[Rule 104]

Administration and Enforcement

§ 24.40 *Administration of quarantine laws, rules and regulations.* The Health Department, under the supervision and direction of the Chief Health Officer, through the Division of Quarantine and Immigration, under the immediate supervision and direction of the Chief Quarantine and Immigration Officer, hereinafter referred to as the Chief Quarantine Officer, is hereby charged with the administration of all laws, rules and regulations, governing maritime and aircraft quarantine in the Canal Zone. The general function of the division, under the aforesaid laws, rules, and regulations shall be the prevention of the introduction of communicable diseases. [Rule 105]

CROSS REFERENCES: Authority of Governor respecting these Rules [this subpart], including authority to fix the charges for all services provided for in these Rules, see Rules 9 and 10 (35 CFR 4.11 and 4.12).

Authority of quarantine officers to administer oaths and to summon witnesses and compel production of papers, see Canal Zone Code, title 2, sections 41 to 43.

Boarding of arriving vessels, see Rule 10 (35 CFR 4.12).

Compliance with quarantine laws and rules as a condition to clearance of outgoing vessels, see Rule 13 (35 CFR 4.21).

Exclusion from Canal Zone of persons afflicted with contagious disease, see Rule 120 (35 CFR 10.1).

Papers required from arriving vessels, see Rule 12 (35 CFR 4.19).

§ 24.41 *Punishment for violations.* A violation of any of the quarantine rules contained in this order [C. Z. Order No. 15, codified in this subpart], or of any regulation prescribed thereunder, is punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than \$500, or by imprisonment in jail for not more than ninety days, or by both; and each day such violation continues constitutes a separate offense. [Rule 106]

Measures at Foreign Ports

§ 24.42 *Bills of health.* A vessel or aircraft at any port clearing or departing for a port of the Canal Zone shall not be required to obtain or deliver a bill of health. Quarantine officers are hereby authorized to certify bills of health where required for delivery at other ports. [Rule 107]

§ 24.43 *Applicability of §§ 24.40 to 24.51.* The measures prescribed in §§ 24.42 to 24.51 must be taken at foreign ports with respect to vessels or aircraft departing for ports of the Canal Zone. [Rule 108]

§ 24.44 *Cholera: Vessels or aircraft; things.* At ports infected or suspected of being infected with cholera, special care shall be taken to provide a safe water and food supply for the vessel or aircraft. No foods, other than the food supply of the vessel or aircraft or food accepted for shipment, shall be permitted to be taken aboard. Food products which may be consumed in an uncooked state coming from localities infected or suspected of being infected with cholera shall not be accepted for shipment. [Rule 109]

§ 24.45 *Cholera: Vessels or aircraft; persons.* A person who (a) comes from a cholera infected area, or (b) desires to embark at an infected port, shall not be permitted to board a vessel or aircraft unless such person:

(1) Has been detained five days in an environment known to be free from a source of infection and is without evidence of infection; or

(2) Presents satisfactory evidence of immunity. [Rule 110]

§ 24.46 *Plague: Vessels or aircraft.* At ports infected or suspected of being infected with human or rodent plague, special care shall be taken to prevent rodents, fleas and infected persons from boarding the vessel or aircraft and shall include the following measures:

(a) Immediately upon docking and during the entire time a vessel lies at a wharf, it shall be fended off at least six feet; all connecting lines shall be properly fitted with rat guards; gangways, and other means of access to the vessel shall be well lighted or separated from the shore at night.

(b) The vessel or aircraft shall load only cargo which has been found free from rats or has been treated to destroy rats and fleas.

(c) Prior to departure the vessel or aircraft shall be inspected for rodents and fleas. If rodents or fleas are present, measures shall be taken for their destruction. [Rule 111]

§ 24.47 *Smallpox: Vessels or aircraft.* A person from an area where smallpox is present who does not present satisfactory evidence of immunity shall not be permitted to embark until successfully vaccinated, unless because of advanced age, infancy, or illness of such person vaccination is contraindicated. [Rule 112]

§ 24.48 *Typhus: Vessels or aircraft; things.* An article intended to be transported (including personal effects) if infested with lice, shall not be permitted to be taken aboard the vessel or aircraft at a port infected or suspected of being infected with typhus until such article has been disinfected. [Rule 113]

§ 24.49 *Typhus: Vessels or aircraft; persons.* A person who (a) comes from an area where typhus prevails, or (b) desires to board at a port infected or suspected of being infected with typhus, shall not be permitted to board a vessel or aircraft until louse free. [Rule 114]

§ 24.50 *Yellow fever: Vessels or aircraft; persons.* A person who has been exposed to a case of yellow fever shall not be permitted to embark on a vessel or aircraft until six days after exposure

unless he presents satisfactory evidence of immunity. [Rule 115]

§ 24.51 *General requirement.* The master of a vessel shall enter in the sanitary log, or other official record a statement of all measures taken to effect compliance with the provisions of §§ 24.42 to 24.51. [Rule 116]

Measures in Transit

§ 24.52 *Vessels: Measures at sea.* The measures prescribed in §§ 24.53 to 24.55 must be taken at sea with respect to vessels destined for ports of the Canal Zone. [Rule 117]

§ 24.53 *Same: Sanitary inspection and corrective measures.* The master or a designated officer shall make a daily sanitary inspection of all compartments of the vessel normally accessible to passengers or crew. Immediate corrective measures shall be taken if evidence of vermin, rodents or insanitary conditions is found. [Rule 118]

§ 24.54 *Same: Entries in sanitary log.* A record of the conditions found and the corrective measures taken shall be entered in the sanitary log or other official record. [Rule 119]

§ 24.55 *Same: Radio report of disease aboard.* The master of the vessel shall report promptly by radio, to the quarantine officer at the port of entry, the occurrence or suspected occurrence on board of any of the communicable diseases listed below: anthrax, chancre, chickenpox, cholera, dengue, diphtheria, favus, gonorrhea, granuloma inguinale, impetigo contagiosa, infectious encephalitis, leprosy, lymphogranuloma venereum, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, ringworm of the scalp, scarlet fever, smallpox, streptococcal sore throat, syphilis, trachoma, tuberculosis, typhoid fever, typhus, yellow fever, or other diseases characterized by fever or skin rash. [Rule 119a]

§ 24.56 *Aircraft: Disinsectization.* An aircraft bound for a port of the Canal Zone, except upon a flight originating in the Republic of Panama or a flight direct from a port under the control of the United States, shall be disinsectized in all compartments not later than thirty minutes before landing. Compartments which are not accessible for disinsectization during flight shall be disinsectized at the last port of departure for the Canal Zone, and shall not be reopened following disinsectization until arrival in the Canal Zone. The insecticide used and method of disinsectization shall be those prescribed by the Governor. When on arrival of an aircraft the quarantine officer, after inspection, determines that the aircraft has not been adequately disinsectized, the aircraft shall be kept tightly closed and disinsectization completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed to board until disinsectization is completed. Additional requirements for disinsectization of aircraft flying to or from certain regions may be prescribed by the Governor when necessary to prevent the importation or

spread of insect vectors of disease. [Rule 119b]

Vessels or Aircraft Subject to Quarantine Inspection

§ 24.57 *General provision.* (a) A vessel or aircraft arriving at a port of the Canal Zone shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or in the Republic of Panama, or

(2) The vessel or aircraft, having received free pratique at a port under the control of the United States, arrives directly at a port of the Canal Zone and transmits a duplicate of the United States pratique to the Canal Zone quarantine officer.

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraph (a) (1) or (2) of this section shall undergo quarantine inspection prior to entering a port of the Canal Zone if the vessel or aircraft:

(1) Has abroad a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcal sore throat, typhoid fever, typhus, yellow fever, or with any illness characterized by fever and/or skin rash, or

(2) Arrives from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of smallpox or typhus at the time the vessel or aircraft touched there. [Rule 119c]

§ 24.58 *Vessels of armed services.* Vessels belonging to or operated by the armed services of the United States or any foreign nation may, in the discretion of the quarantine officer, be exempted from quarantine inspection if a commissioned medical officer of such service certifies that:

(a) Any person on board who is infected or suspected of being infected with a communicable disease will be isolated until it is determined whether or not he is infected with a quarantinable disease, and that

(b) The vessel is from a port where at the time of departure there was not present or suspected of being present cholera, plague, or yellow fever, or where there was not a significant increase in the prevalence of smallpox or typhus, at the time the vessel touched there.

When it is determined that any person on board such vessel is infected with a quarantinable disease, the vessel and its entire personnel shall be subject to the provisions of §§ 23.74 to 24.86 of this subpart. [Rule 119d]

§ 24.59 *Exempt vessels subject to sanitation regulations.* A vessel which has been exempted from quarantine inspection under § 24.57 or § 24.58 shall nevertheless be subject to the provisions of §§ 24.87 to 24.91 of this subpart. [Rule 119e]

Note. A vessel which has been exempted from quarantine inspection, but which is destined to land passengers in the Canal Zone, is required to proceed to the prescribed anchorage for immigration inspection, and there remain until released by the immigration boarding officer.

General Requirements Upon Arrival at Ports of Canal Zone

§ 24.60 *Applicability.* The measures prescribed in §§ 24.60 to 24.73 shall be taken with respect to vessels or aircraft which are subject to quarantine inspection pursuant to §§ 24.57 to 24.59 of this subpart, and with respect to persons and things arriving on such vessels or aircraft. [Rule 119f]

§ 24.61 *Vessels: Awaiting inspection.* A vessel shall fly a yellow flag; anchor in the prescribed anchorage; and await inspection. [Rule 119g]

§ 24.62 *Aircraft: Commander's initial responsibility.* The aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the airport of entry. Any mail, baggage, cargo, or other contents on board shall be held at such airport until released by the quarantine officer. [Rule 119h]

§ 24.63 *Aircraft: Report by commander respecting illness, et cetera.* In the case of all arriving aircraft, except from a flight originating in the Republic of Panama, and whether or not the aircraft is subject to quarantine inspection, the aircraft commander's general declaration shall contain a report showing illness (other than air-sickness) that has occurred aboard the aircraft during flight; details of last disinsectization or sanitary treatment, including methods, place, date, and time; and a report of the animals, insects, bacteria, cultures, and viruses on board. [Rule 119i]

§ 24.64 *Quarantine inspection described.* Quarantine inspection of a vessel or aircraft shall include:

(a) Inspection of the vessel or aircraft, its cargo, manifests and other papers, including the sanitary log of the vessel, to ascertain the sanitary history and condition of the vessel or aircraft.

(b) Examination of the persons aboard the vessel or aircraft, their personal effects and records.

(c) The determination of the measures necessary to prevent the introduction of a communicable disease. [Rule 119j]

§ 24.65 *Persons; restrictions on boarding—(a) Vessels.* Only the quarantine officer, quarantine employees, and other members of the boarding party constituted under this order [see 35 CFR 4.13] shall be permitted to board any vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique, except with the permission of the quarantine officer. A person boarding such vessel shall be subject to the same restrictions as those imposed on the persons aboard the vessel.

(b) *Aircraft.* Except with the permission of the quarantine officer, no person other than the quarantine officer and quarantine employees shall be per-

mitted to board any aircraft subject to quarantine inspection, or to have contact with the crew or passengers of such aircraft, until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft or having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a communicable disease. [Rule 119k]

§ 24.66 Persons; examination. All persons on board shall be examined, except, that on an approved regular line vessel or aircraft which carries a ship or flight surgeon, such examination may be limited to persons designated by the quarantine officer. [Rule 119l]

§ 24.67 Persons; observation. Persons held under observation pursuant to the provisions of §§ 24.74 to 24.86 of this subpart, may be so held on vessels in quarantine or at facilities of The Panama Canal. Such persons shall not have contact with other persons except by permission of the quarantine officer. [Rule 119m]

§ 24.63 Persons under observation; segregation. Contact between different groups of persons held under observation is prohibited. Members of groups shall observe such further segregation, to prevent the spread of disease, as the quarantine officer may determine to be necessary. [Rule 119n]

§ 24.69 Persons; release under surveillance. Persons may be released from quarantine under surveillance pursuant to the provisions of §§ 24.74 to 24.86 of this subpart. Such persons shall report to the health authority at the place of destination at such time as prescribed by the quarantine officer. [Rule 119o]

§ 24.70 Restriction on movement of articles. Articles from a vessel or aircraft shall not be carried into the place of detention except by permission of the quarantine officer. [Rule 119p]

§ 24.71 Furnishing of fresh crew; vessels only. After a vessel has been rendered free from infection, it may be furnished with a fresh crew and released from quarantine, while all or part of the original personnel are detained. [Rule 119q]

§ 24.72 Disinfection of imports. When the freight manifest of a vessel or aircraft lists articles which may require disinfection, the quarantine officer shall disinfect them on board or request the Chief of Customs to keep the articles separated from the other freight pending appropriate disposition. [Rule 119r]

§ 24.73 Charges for services rendered to persons detained in quarantine. Subsistence, lodging, medical care, and hospital care of crews or passengers detained in quarantine shall be at the expense of the interest controlling the vessel or aircraft, except as otherwise provided in applicable laws or regulations such as those relating to beneficiaries of the U. S. Public Health Service. [Rule 119s]

CROSS REFERENCE: For authority of Governor to fix charges, see Rule 9 [35 C. F. R. 4.11].

Particular Requirements Upon Arrival at Ports of Canal Zone

§ 24.74 Applicability. In addition to the requirements of §§ 24.60 to 24.73, the particular requirements prescribed in §§ 24.74 to 24.86 (affecting persons, vessels or aircraft, animals, and other imports) shall be observed with respect to vessels or aircraft which are subject to quarantine inspection under §§ 24.57 to 24.59: *Provided, however* That the particular requirements of §§ 24.80, 24.83, and 24.86 shall be observed irrespective of whether the vessels or aircraft are subject to quarantine inspection. [Rule 119t]

§ 24.75 Cholera: Vessels or aircraft; things. (a) A cholera infected vessel or aircraft shall be detained in quarantine until disinfected.

(b) The dejecta of all persons held under observation for cholera shall be disinfected before final disposition.

(c) Personal effects contaminated by dejecta from cholera cases or carriers shall be disinfected. Material capable of conveying infection shall not be removed from the vessel or aircraft until it has been disinfected.

(d) All unsealed food on a cholera infected vessel or aircraft shall be destroyed or cooked, and such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) The water supply of a cholera infected vessel or aircraft shall be disinfected. [Rule 119u]

§ 24.76 Cholera: Vessels or aircraft; persons. (a) All persons aboard a vessel or aircraft which is cholera infected or suspected of being so infected or which arrives within five days from a port infected or suspected of being infected with cholera, shall be subjected to such examination as may be necessary to determine their freedom from cholera vibrios or shall be held under observation for five days from last contact.

(b) Persons ill from cholera and all known contacts shall be removed and isolated.

(c) An immune person may be released under surveillance for five days from last contact.

(d) A person determined to be free from cholera vibrios shall be released.

(e) Cholera carriers or recovered cases shall not be released from observation until bacteriological tests are negative for cholera vibrios. [Rule 119v]

§ 24.77 Plague: Vessels or aircraft; things. (a) A plague suspected vessel or aircraft shall be detained in quarantine and subjected to measures to determine the presence or absence of plague infection.

(b) A plague infected vessel or aircraft shall be detained in quarantine and immediate measures undertaken for the destruction of rodents and vermin aboard.

(c) A rodent or flea infested vessel from a port infected or suspected of being infected with plague shall be fumigated or otherwise treated as determined by the quarantine officer. [Rule 119w]

§ 24.78 Plague: Vessels or aircraft; persons. (a) Persons ill from plague

shall be removed and isolated until no longer infectious.

(b) Persons disembarking may be placed under surveillance for six days from the date of landing.

(c) In the case of pneumonic plague, in addition to the foregoing measures, all contacts shall be isolated for six days from last contact, and the quarters and personal effects of the sick shall be appropriately treated. [Rule 119x]

§ 24.79 Smallpox: Vessels or aircraft; things. A vessel or aircraft on which smallpox has occurred en route shall be detained in quarantine until the personal effects of the sick and the compartments occupied by them shall have been disinfected. [Rule 119y]

§ 24.80 Smallpox: Vessels or aircraft; persons. (a) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(b) Every person arriving in the Canal Zone from off the Isthmus of Panama may be required by the quarantine officer to be vaccinated against smallpox, and shall submit to vaccination if so required, as a condition precedent to release from quarantine, (1) if such person is arriving from a port or a geographical area in which smallpox is known to prevail in epidemic form, or (2) if such person is known to have been or is suspected of having been exposed to smallpox during the 14-day period immediately preceding arrival, or (3) if such vaccination is otherwise deemed necessary for the protection of the public health, in the judgment of the Chief Quarantine Officer: *Provided, however* That there shall be exempt from the requirements of vaccination children less than three months of age and persons who, in the judgment of the quarantine officer, have been successfully vaccinated within three years, or have acquired immunity to smallpox, or are found not to be fit subjects for vaccination: *Provided further* That non-immune persons exempted from the vaccination requirement shall be placed under surveillance or held under observation for not more than 14 days from time of last possible contact. Vaccinations performed under this Rule shall be without charge. Certificates of successful vaccination shall be issued by the quarantine officer or by such other person as may be designated by the Chief Quarantine Officer. [Rule 119z]

§ 24.81 Typhus: Vessels or aircraft; things. (a) A vessel or aircraft on which typhus has occurred en route shall be detained in quarantine until vermin destruction has been completed.

(b) A vessel or aircraft infected or suspected of being infected with typhus, or a louse-infested vessel or aircraft from a port infected or suspected of being infected with typhus, shall be disinfected.

(c) The personal effects and baggage of louse-infested persons from incoming vessels or aircraft shall be disinfested prior to release. [Rule 119aa]

§ 24.82 Typhus: Vessels or aircraft; persons. (a) Persons ill from typhus shall be removed and isolated until no longer infectious.

(b) Non-immune contacts shall be held under observation for 12 days from the last contact.

(c) Immune contacts may be placed under surveillance for 12 days from the last contact.

(d) Vermin free non-contacts may be released without detention and without delousing or disinfection of baggage or personal effects.

(e) Vermin-infested persons shall be immediately disinfested. [Rule 119bb]

§ 24.83 Yellow fever: Vessels only. (a) An infected or suspected vessel shall be moored not less than 400 meters from the inhabited shore until disinfection has been completed.

(b) An infected or suspected vessel shall be disinfested prior to discharge of cargo. [Rule 119cc]

§ 24.84 Yellow fever: Vessels or aircraft; persons. (a) Persons from an infected vessel or aircraft who are ill with yellow fever shall be removed and isolated until no longer infectious.

(b) All non-immune persons aboard shall be detained under observation for six days from the last exposure.

(c) Immune persons shall be released. [Rule 119dd]

§ 24.85 Any communicable disease: Vessels or aircraft; persons. (a) Persons ill from any communicable disease not specified as a quarantinable disease may in the discretion of the quarantine officer be removed and isolated until no longer infectious or contagious.

(b) Contacts may in the discretion of the quarantine officer be held under observation or placed under surveillance. [Rule 119ee]

§ 24.86 Reporting illness aboard vessel. Every case of illness occurring on board any vessel in Canal Zone waters, whether the vessel be in quarantine or not, shall be reported immediately to the quarantine officer by the master of the vessel. [Rule 119ff]

Sanitary Inspection; Rodent and Vermin Control

§ 24.87 General provision. Vessels or aircraft arriving at a port of the Canal Zone from a foreign port shall be subject to sanitary inspection to ascertain whether there exists rodent, vermin or insect infestation or other insanitary condition requiring measures for the prevention of the introduction, transmission or spread of communicable diseases. [Rule 119gg]

§ 24.88 Fumigation and disinfection. Such vessels or aircraft, or compartments thereof, shall undergo such fumigation and disinfection as the quarantine officer determines to be necessary. [Rule 119hh]

§ 24.89 Periodic fumigation or disinfection: Vessels only. Such vessels (a) shall be fumigated or disinfested at least once each six months and shall thereupon be issued a deratization certificate valid for six months, or (b) if inspection reveals that rodents are kept under control, the vessels shall thereupon be issued a deratization exemption certificate valid for six months. A month in addition to the six-months' period, may be allowed in the case of a vessel proceeding to its home port. [Rule 119ii]

§ 24.90 Vessels in traffic between United States and Canal Zone. Vessels or aircraft engaged in trade between ports under the control of the United States and ports of the Canal Zone shall be subject to sanitary inspection as described in § 24.87, when arriving from a port infected or suspected of being infected with a quarantinable disease or when illness on board indicates unsatisfactory sanitary conditions. [Rule 119jj]

§ 24.91 Vessels entering drydock; fumigation or disinfection. No vessel shall be placed in a drydock until it has been fumigated or disinfested for the destruction of rodents, unless the quarantine officer shall determine that such fumigation or disinfection is unnecessary. The official superintending a drydock shall give to the quarantine officer advance notice of intention to place a vessel therein. [Rule 119kk]

Pratique; Vessels Only

§ 24.92 General requirement. Vessels subject to quarantine inspection under the provisions of §§ 24.57 to 24.59 of this subpart shall not enter a port of the Canal Zone to proceed through the Panama Canal or to discharge cargo or land passengers unless a certificate of free pratique or provisional pratique has been issued to the master. When it is desired not to comply with the requirements for a certificate of free or provisional pratique, the vessel is at liberty to return to sea if bound for a foreign port. [Rule 119ll]

§ 24.93 Free pratique. A certificate of free pratique shall signify that the vessel and its master may enter, proceed through the canal, discharge cargo, and land passengers. [Rule 119mm]

§ 24.94 Provisional pratique. (a) A certificate of provisional pratique shall signify that the vessel may enter, but that additional measures, as specified in such certificate must be taken in connection with proceeding through the canal, the discharge of cargo, the landing of passengers, or the sanitary condition of the vessel. A certificate of free pratique shall be issued after such additional measures have been completed.

(b) The quarantine officer may remand the vessel to the next port for such additional measures as may be necessary. Vessels arriving at quarantine stations at succeeding ports of call under provisional pratique may, in the discretion of the quarantine officer in charge at such stations, be directed to proceed under provisional pratique to the next succeeding port for completion of quarantine measures.

(c) Failure to comply with additional measures specified in a certificate of provisional pratique shall constitute a violation of the rules in this subpart, and the vessel shall become subject to all measures applicable to vessels first arriving at a port of the Canal Zone or a port under the control of the United States, from a foreign port. [Rule 119nn]

§ 24.95 Radio pratique. The quarantine officer may grant pratique by radio to a vessel upon the basis of information regarding the vessel, its cargo and per-

sons aboard, received prior to arrival of the vessel, when in his judgment, and in accordance with instructions by the Chief Quarantine Officer, the entry of the vessel will not result in the introduction, transmission or spread of communicable diseases. [Rule 119oo]

Importation of Certain Things

§ 24.96 Quarantine of dogs and cats. The owner or person in charge of every dog or cat brought into the Canal Zone from off the Isthmus of Panama shall deliver the animal to a quarantine officer immediately upon the arrival of the animal in the Canal Zone, and every such animal shall be held in quarantine and shall not be released therefrom except in compliance with regulations which are hereby authorized to be prescribed by the Governor to prevent the spread of rabies or other diseases of animals. Such regulations may provide, among other things, for (a) the detention of the dog or cat for such period of time as may be specified by the Governor; (b) the imposition and collection of reasonable charges for the care of the animal during such quarantine period; (c) the sale or other disposition to be made of the animal in the event of non-payment of such charges or in the event the animal is unclaimed; and (d) the disposition of the proceeds of the sale of the animal, if sold. [Rule 119pp]

§ 24.97 Same; quarantine period. Every dog or cat brought into the Canal Zone from off the Isthmus by vessel, aircraft or any other means shall be held in quarantine, under veterinary inspection, for a period of not less than six months: *Provided, however,* That after two months detention the animal may, in the discretion of the Chief Health Officer, be released to the owner or custodian of the animal subject to such conditions and limitations as may be imposed by the Chief Health Officer, including the requirement that the animal be submitted to quarantine authorities for inspection at stated times: *And provided further,* That quarantine requirements may, in the discretion of the Chief Health Officer, be waived in whole or in part in the case of hunting and racing dogs which receive customary special handling before, during, and after their shipment. [Reg. 119 pp. 1, as added, effective Sept. 1, 1948, by Governor's Reg. July 27, 1948, under authority codified in 35 CFR 4.11 and 24.96]

§ 24.98 Same; place of quarantine. Quarantined dogs and cats, including those arriving for transshipment, shall be detained at such places, including aboard the vessel on which the animal arrived, if practicable, as may be designated by the Chief Health Officer or by his authority. [Reg. 119 pp. 2, as added, effective Sept. 1, 1948, by Governor's Reg. July 27, 1948, under authority codified in 35 CFR 4.11 and 24.96]

§ 24.99 Same; charges for quarantine detention. The owner of the quarantined dog or cat, and such other person as may have brought or have been responsible for bringing the animal into the Canal Zone, shall be jointly and severally liable for payment of detention charges in the amount of 50 cents per day per animal.

[Reg. 119 pp. 3, as added, effective Sept. 1, 1948, by Governor's Reg. July 27, 1948, under authority codified in 35 CFR 4.11 and 24.96]

§ 24.100 *Same; disposition of unclaimed animals and of animals for which charges are not paid.* If an animal is unclaimed or accrued charges are unpaid within 30 days after notice to remove the animal from quarantine detention upon payment of any accrued charges has been served upon or mailed to the last known address of the owner or other responsible person, the Chief Health Officer is authorized (a) to cause the animal to be sold at public auction or on written bids or by any other reasonable method, or (b) to cause the animal to be destroyed if it is of no substantial value or is suffering from any infectious or contagious disease or is deemed not saleable for any other reason. The balance, if any, of the proceeds of the sale, after deduction of the unpaid charges and costs of the sale shall be paid over to the owner or other person responsible for the quarantine charges. [Reg. 119 pp. 4, as added, effective Sept. 1, 1948, by Governor's Reg. July 27, 1948, under authority codified in 35 CFR 4.11 and 24.96]

§ 24.101 *Same; immunization against rabies.* Unless satisfactory evidence is submitted establishing that a dog or cat brought into the Canal Zone from off the Isthmus has been immunized with an approved rabies vaccine not more than

six months prior to arrival in the Canal Zone, the dog or cat shall be immunized with an approved rabies vaccine following its arrival and prior to release from quarantine. [Reg. 119 pp. 5, as added, effective Sept. 1, 1948, by Governor's Reg. July 27, 1948, under authority codified in 35 CFR 4.11 and 24.96]

§ 24.102 *Quarantine of animals generally.* The quarantinable diseases of animals are glanders, anthrax, tuberculosis, foot-and-mouth disease, contagious pleuro-pneumonia, rinderpest, and surra, together with such other diseases as the Governor may specify and the Governor may prescribe such regulations as he may deem necessary to prevent the introduction and spread of such diseases. [Rule 119qq]

CROSS REFERENCE: Offenses respecting quarantine of animals, see Canal Zone Code, title 5, sections 566 and 567.

§ 24.103 *Etiological agents and vectors.* (a) A person shall not import into the Canal Zone, nor distribute after importation, any etiological agent or insect, animal or plant vector of human disease or any exotic living insect, animal or plant capable of being a vector of human disease unless accompanied by a permit issued by the Chief Health Officer.

(b) An article or thing coming within the provisions of this section shall not be released from Customs' custody prior to the receipt by the Chief of Customs of a permit therefor issued by the Chief Health Officer. [Rule 119rr]

§ 24.104 *Dead bodies.* The remains of a person dead from a quarantinable disease shall not be brought into a port of the Canal Zone unless it is (a) properly embalmed and placed in a hermetically sealed casket, or (b) cremated. The remains of a person who dies of such disease after arrival in quarantine shall be disposed of in such manner as the Chief Health Officer may direct. [Rule 119ss]

5. Section 24.100 ("Compulsory smallpox vaccination of persons residing or working in Canal Zone") as numbered and codified from Canal Zone Order No. 10 of September 27, 1947 (1947 Supp., 12 F. R. 6596) is renumbered as § 24.150 and designated as a new Subpart D entitled "Public Health Generally."

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

WILDLIFE MANAGEMENT AREAS

CROSS REFERENCE: For additions to the list of wildlife management areas, to be tabulated in § 17.5 see F. R. Doc. 48-11241 under Department of the Interior, Fish and Wildlife Service, in the Notices section, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 935]

HANDLING OF MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was conducted at Omaha, Nebraska, on June 29, 1948, after the issuance of notice on June 22, 1948 (13 F. R. 3485).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 25, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions there-

to was published in the FEDERAL REGISTER on October 28, 1948 (13 F. R. 6330).

The material issues of record related to (1) increasing the Class I and Class II differentials, (2) basing the Class I and Class II prices on manufacturing values during the preceding month, (3) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (4) revising the list of condenseries whose prices are used in determining Class I and Class II prices, (5) separate pricing and pooling of milk according to grade, (6) special pricing for milk and cream sold outside the marketing area, and (7) changing the basis of pricing from 3.8 percent butterfat to 3.5 percent butterfat.

Rulings on exceptions. Exceptions were filed by the Roberts Dairy Company to the findings, conclusions and recommendations of the recommended decision with respect to issues (3) and (4).

In arriving at the findings and conclusions decided upon with respect to issues (3) and (4) each of the exceptions was carefully considered in conjunction with the record evidence pertaining thereto. The findings, conclusions, and recommendations of the recommended decision relating to issues (3) and (4) have been adopted without substantive change and the exceptions thereto are overruled.

No exceptions were filed to the findings, conclusions, and recommendations of the

recommended decision with respect to issues (1) (2) (5) (6) and (7). The findings, conclusions, and recommendations of the recommended decision with respect to these issues have been adopted without substantive change.

Findings and Conclusions

Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48-9504, 13 F. R. 6330) with respect to the issues (1) to (7) inclusive, are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the following general findings.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices spe-

cified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Omaha-Council Bluffs Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Omaha-Council Bluffs Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order, which will be published with this decision.

This decision filed at Washington, D. C. this 22d day of December 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order as Amended, Regulating the Handling of Milk in the Omaha-Council Bluffs, Marketing Area

§ 935.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held on June 29, 1948, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order,

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

as amended and as hereby further amended will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Omaha-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraph (a) of § 935.5 and substitute therefor the following:

(a) *Basic price to be used in computing Class I and Class II prices.* The basic price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8 and adjusted to the nearest cent:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Peatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price computed pursuant to paragraph (b) (3) of the section for the preceding delivery period for Class III milk containing 3.8 percent butterfat.

2. Delete paragraph (b) of § 935.5 and substitute therefor the following:

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus \$1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph \$15.00 during January, February, and March; \$12.00 during April, May, and June; and \$20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (a) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph; (b) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus \$1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph \$15.00 during January, February, and March; \$12.00 during April, May, and June; and \$20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (a) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph; (b) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.8 percent butterfat, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight of Class III milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subdivision (i) (c) of this subparagraph and adding thereto the amount computed pursuant to subdivision (ii) (a) of this subparagraph.

(i) The price per hundredweight of butterfat in Class III milk shall be computed by (a) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of

Agriculture during the delivery period in which such milk was received, (b) subtracting 5 cents, (c) adjusting to the nearest cent and (d) multiplying the result by 100.

(ii) The price per hundredweight of skim milk in Class III milk shall be computed by (a) adding 21 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound, (b) dividing the resulting sum by 0.962, and (c) adjusting to the nearest cent. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

[F. R. Doc. 48-11262; Filed, Dec. 24, 1948; 8:48 a. m.]

[7 CFR, Part 948]

HANDLING OF MILK IN SIOUX CITY, IOWA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was conducted at Sioux City, Iowa, on July 1, 1948, after the issuance of notice on June 23, 1948 (13 F. R. 3544).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 25, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 28, 1948 (13 F. R. 6333).

The material issues of record related to (1) increasing the Class I and Class II differentials, (2) revising the classes of utilization by including the skim milk and butterfat disposed of as skim milk,

flavored milk, flavored milk drinks, and buttermilk in Class I milk and the skim milk and butterfat disposed of in aerated cream and eggnog in Class II milk, (3) using the manufacturing value of milk during the current delivery period as a basis for pricing Class I milk and Class II milk, (4) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (5) revising the list of condenseries whose paying prices are used as a basis for pricing Class I milk and Class II milk, and (6) separate classification and pricing for milk and cream sold outside the marketing area.

Rules on exceptions. Exceptions were filed by the Roberts Dairy Company to the findings, conclusions, and recommendations of the recommended decision with respect to issues (1) (3) (4) and (5).

In arriving at the conclusions decided upon with respect to issues (1) (3) (4) and (5) each of the exceptions was carefully considered in conjunction with the record evidence pertaining thereto. The findings, conclusions, and recommendations of the recommended decision relating to issues (1) (3) (4) and (5) have been adopted without substantive change and the exceptions thereto are overruled.

No exceptions were filed to the findings, conclusions, and recommendations of the recommended decision with respect to issues (2) and (6). The findings, conclusions, and recommendations of the recommended decision with respect to these issues have been adopted without substantive change.

Findings and Conclusions

Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48-9506; 13 F. R. 6333) with respect to the issues (1) to (6) inclusive, are approved and adopted as the findings and conclusions of this recommended decision as if set out in full herein. These findings and conclusions are supplemented by the following general findings.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to per-

sons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of December 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, As Amended, Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area

§ 948.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Supps., 900.1 et seq.), a public hearing was held on July 1, 1948, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and de-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

mand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 948.4 (b) (1) (i) and substitute therefor the following:

(i) Disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks; and

2. Delete § 948.4 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of skim milk and butterfat containing more than 6 percent butterfat, for consumption in fluid form, aerated cream, and eggnog.

3. Delete § 948.4 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Used for animal feed;

(ii) Used to produce any milk product other than those specified in subparagraphs (1) and (2) of this paragraph; and

(iii) Actual plant shrinkage up to, but not in excess of 2 percent, respectively, of the total receipts of skim milk or butterfat in producer milk and other source milk not including receipts from other handlers.

4. Delete § 948.5 (a) and (b) and substitute therefor the following:

(a) **Basic price to be used in computing class prices.** The basic price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk, for each delivery period shall be the higher of the prices calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph for the preceding delivery period.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price, adjusted to the nearest cent, calculated by the market administrator as follows: (i) Multiply by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, (ii) subtract 5 cents, (iii) multiply by 3.5, (iv) add 21 cents, and (v) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area, shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) **Class prices.** Each handler shall pay at the time and in the manner set forth in § 948.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) **Class I.** The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and plus \$1.00 during all other months of each year:

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period \$16.00 during the months of April, May, June, and July and \$20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(2) **Class II.** The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and plus \$1.00 during all other months of each year;

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period \$16.00 during the months of April, May, June, and July and \$20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(3) **Class III.** The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the price computed pursuant to paragraph (a) (1) of this section for the preceding delivery period or the price computed pursuant to paragraph (a) (2) of this section for the current delivery period, whichever is higher:

(i) The price per hundredweight for butterfat in Class III milk shall be computed by (a) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (b) subtracting 5 cents, (c) adjusting to the nearest cent and (d) multiplying the result by 100, and

(ii) The price per hundredweight for skim milk in Class III milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this paragraph for Class III milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

[F. R. Doc. 48-11261; Filed, Dec. 24, 1948; 8:47 a. m.]

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and

as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held at Columbus, Ohio, on November 23, 1948, upon certain proposed amendments to the marketing agreement heretofore tentatively approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Central Ohio Cooperative Milk Producers Association, Inc.

The material issues presented on the record of hearing were:

(1) The establishment of price levels below which prices for Class I, Class II, and Class III milk would not be permitted to decline during the next few months but not beyond March 1949;

(2) The need for emergency action which warrants immediate effectuation of a revision in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing.

(1) The Class I milk and Class II milk prices, on the basis of milk of 3.5 percent butterfat content, should not be less than \$4.65 per hundredweight and \$4.40 per hundredweight, respectively, from the effective date of this amendment through January 1949. For the month of February 1949, the Class I milk price should be not less than \$4.43 and the Class II milk price should be not less than \$4.18. The price formula for Class III milk should be permitted to operate without adjustment at this time.

Prices of Class I and Class II milk under the Columbus order declined 71.5 cents per hundredweight between July 1-31 and October 1-15 this year. This decline was the result of a corresponding decline in the condensery price level (prices paid farmers by 18 milk manufacturing plants in Wisconsin and Michigan) which was the effective "basic formula price" computed pursuant to the order. Such decline occurred at a time of the year when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1940-1947 show seasonal increases in condensery prices each year between July and October. The average July to October increase in this period was approximately 10.5 percent. Conversely, prices for the October 1-15 period in 1948 declined slightly more than 16 percent from the July level. This contraseasonal movement of milk prices, occurring at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the milkshed supplying the Columbus marketing area.

It was proposed that the Class I, Class II, and Class III prices be held until the end of March 1949, at minimum levels

equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 4,700,000 pounds over the same five-month period in 1947. On the other hand Class I utilization (gross) increased 1,800,000 pounds. The increase in producer receipts was nearly 2.6 times greater than the increase in Class I utilization. Producer numbers in September 1948 were about 6 percent higher than in the previous September. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices. However, beef cattle and hog prices remain relatively high as compared with milk prices. Also, in spite of a decrease in protein feed prices, with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by high hay prices, current wage levels for farm labor, and recent increases in farm machinery prices. The favorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of substantial nature in feed prices will occur during the coming winter months. The decline of about 16 percent in the Class I and Class II prices which has taken place since July endangers the more favorable ratio of the last few months. Further decreases in the Class I and Class II prices at this time conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

Class III milk is utilized largely in ice cream. Sales of this product in Columbus have declined over 20 percent in the three months ending October 31, 1948, from the same period of the previous year. Because of the very low utilization of current receipts of producer milk in ice cream in the winter months, the fixing of a minimum Class III price at a specified level in the months of December, January and February would have no appreciable effect on the uniform price. It would seem unwise, therefore, in view of the present condition of the Class III market, to set a fixed minimum Class III price for these months.

In view of the increases which have occurred in production in relation to the same periods last year and in relation to sales of Class I milk, it is not considered appropriate to increase Class I and Class II prices to the level which prevailed in September. Rather, a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and II prices at approximately the October 1-15 level for the remaining portion of De-

cember 1948 and for January 1949. In order to mitigate the possibility of a contraseasonal price situation as the spring production season approaches, it is concluded that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less) and that the formula should operate without restriction after such month.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator. Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Act imperatively and unavoidably requires the omission of such recommended decision and filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact on returns for milk produced for the marketing area. Any further delay in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Columbus marketing area, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued with dispatch unless the recommended decision and the filing of exceptions thereto are omitted.

(3) General. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the

specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area" and "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C. this 22d day of December 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

§ 974.0 **Findings and determinations.** The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and order (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held on November 23, 1948 upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of

the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 974.5 (b) the second proviso contained therein and substitute therefor the following: "And provided further, That from the effective date of this amendment through January 1949 the prices per hundredweight for skim milk and butterfat in Class I milk shall not be less than \$1.301 and \$96.99, respectively, and in Class II milk not less than \$1.231 and \$91.78, respectively, and for February 1949 such prices for skim milk and butterfat in Class I milk shall not be less than \$1.24 and \$92.40, respectively, and in Class II milk not less than \$1.17 and \$87.19, respectively."

[F. R. Doc. 48-11260; Filed, Dec. 24, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of the Mint

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATIONS

This document is published pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1002 (a) (1)).

I. INTRODUCTION

(a) **General.** The Bureau of the Mint is a branch of the Treasury Department. Through its central and field offices the Bureau administers United States laws concerning the coinage of money and the purchase, sale, deposit, assay, refining and custody of gold and silver (set forth in 31 U. S. C., ch. 7 and 8), and also in part administers the Gold and the Silver Regulations (31 CFR, Parts 54 and 80).

(b) **Director of the Mint.** At the head of the Bureau is the Director of the Mint, appointed by the President with the ad-

vice and consent of the Senate for a term of 5 years. In the temporary absence of the Director, the Secretary of the Treasury has designated the Assistant Director to act as Director, and while acting in such capacity he has full powers of the office. The Director determines the general policies of the central and field offices, subject to the approval of the Secretary of the Treasury, and supervises their activities. The Director administers the issuance of Treasury licenses for the acquisition, ownership, possession, and use of gold for industrial, professional and artistic purposes under the Gold Regulations (31 CFR, Part 54). The Director also fixes the charges for the coinage of money for foreign countries, with the approval of the Secretary

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

of the Treasury, and prepares quarterly estimates of the values of foreign coins which are proclaimed by the Secretary pursuant to statute.

(c) **Public information, submittals or requests.** The public may secure information from, or make submittals or requests concerning matters within the jurisdiction of the Bureau of the Mint to, the Director of the Mint, Treasury Department, Washington 25, D. C., except as otherwise indicated. Attention is directed to 31 CFR, Part 92 for specific information concerning the procedures followed by the Bureau and for other regulations governing submittals and requests.

II. CENTRAL ORGANIZATION

(a) **Office of the Director.** The central office of the Bureau of the Mint has been designated the Office of the Director, and is situated in the Treasury Department, 15th and Pennsylvania Avenue, Washington 25, D. C. The Office

of the Director includes the Director, Assistant Director, and their aides, Personnel Division, Accounting Division, Files, Gold and Silver Division and Laboratory.

(b) *Activities of the Office.* The Office directs and coordinates the field activities concerning the production of coins and medals and all other mint functions, including the custody, processing and movement of bullion, and transactions relating thereto. It negotiates for the manufacture of coin for foreign governments, for the manufacture of medals, service ribbons, buttons, and other distinguishing devices for the armed forces and other government agencies, consolidates operating data from the mint institutions for required reports, initiates experimental programs relating to changes in coinage operations, initiates surveys and tests for improving the efficiency of operating and administrative procedures, collects statistics on domestic and foreign coinage and production of precious metals, and performs such other duties as necessarily pertain to a general administrative office.

(c) *Breakdown of the Office.* Specific functions of the several units of the office include:

Gold and Silver Division administers the regulations issued under the Gold Reserve Act relating to the acquisition, holding, melting and treating, importation and exportation of industrial gold and gold in its natural state, including the issuance and denial of licenses incident thereto; issues instructions to effect delivery of illegally held gold coin or bullion and instructions for the disposition of gold which through litigation or forfeiture becomes the property of the United States; administers the regulations concerning newly-mined domestic silver; compiles and analyzes general data relative to silver; and prepares rules concerning the eligibility of silver under the Newly-Mined Domestic Silver Regulations (31 CFR, Part 80)

Laboratory advises on metallurgical matters and makes necessary metallurgical and chemical investigations, tests, and assays.

Accounting Division handles fiscal matters and budget estimates, collects and compiles domestic and foreign monetary statistics for publication, and prepares for the Director the Annual Report and the quarterly estimates of the values of foreign moneys.

Personnel Division performs customary personnel functions for employees of the mint service.

III. FIELD ORGANIZATION

(a) *Mint field institutions.* The mint service includes coinage mints located at 16th and Spring Garden Streets, Philadelphia, Pennsylvania, Colfax and Delaware Streets, Denver, Colorado; and Buchanan Street and Duboce Avenue, San Francisco, California; assay offices at 815 Airport Way, Seattle, Washington, and 32 Old Slip, New York City; a bullion depository for gold at Fort Knox, Ken-

tucky, and a silver bullion depository at West Point, New York.

The bullion depository at Fort Knox is maintained solely for safekeeping of the Government's stores of monetary gold and is not open to the public. It is administered by the Chief Clerk in Charge, and in his absence the Assistant Chief Clerk.

The bullion depository at West Point is an adjunct of the New York Assay Office and is used solely for the storage of silver.

(b) *Mint districts.* The United States is divided into the following mint districts for the administration of the Gold and the Silver Regulations and for the receipt of gold and silver deposits:

The Philadelphia Mint District, consisting of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

The Denver Mint District, consisting of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

The San Francisco Mint District, consisting of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

The Seattle Mint District, consisting of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

The New York Mint District, consisting of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

(c) *Officers of the field institutions.* A Superintendent, appointed by the President, by and with the advice and consent of the Senate, for no fixed term, is in charge of each mint and the New York Assay Office. An Assayer in Charge, also a Presidential appointee, is in charge of the United States Assay Office at Seattle. The Superintendent or other officer in charge has immediate supervision over and responsibility for the conduct of business of the institution and is responsible for values received and stored therein.

The Assistant in each mint and assay office is designated as Assistant Superintendent and Chief Clerk and is authorized by statute to act as Superintendent (or Assayer in Charge) in the absence of the latter. Each mint and the New York Assay Office has an Assay Department in charge of an Assayer, who is appointed by the President by and with the advice and consent of the Senate, for no fixed term, and who by law is responsible for all assays of gold and silver and their correctness.

In the absence of the Assayer, at any institution, the Superintendent, with the consent of the Assayer, may appoint

someone to act in his place but must report such appointment immediately to the Director for approval. The same procedure applies to the Engraver at the Philadelphia Mint.

(d) *Activities of the field institutions.* All mints and assay offices receive gold and silver bullion for deposit and for return to the depositor or for purchase by the Government in accordance with applicable laws and regulations; determine the eligibility of such gold and silver for deposit and return or purchase; have custody of such gold and silver bullion as may be purchased by them; and sell gold and silver as authorized by law. As specified in the Gold Regulations (31 CFR, Part 54), applications for certain gold licenses are filed with mint and assay offices which issue the appropriate gold license after approval of the applications by the Director. All mints and assay offices make assays of gold and silver bullion for the public, and the Seattle Assay Office also makes commercial assays of ores.

The mints manufacture all of the metal money of the United States and have custody of the finished coins until they are shipped to the Federal Reserve banks by order of the Treasurer of the United States. Coins are manufactured for foreign governments pursuant to contracts made by the Director, with the approval of the Secretary of the Treasury. Medals of a national character and "proof" coins for sale to the public are manufactured at the Philadelphia Mint, and are available only upon application to the Superintendent of that institution.

[SEAL] NELLIE TAYLOR ROSS,
Director of the Mint.

Approved:

E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 48-11275; Filed, Dec. 24, 1948;
8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

LIST OF WILDLIFE MANAGEMENT AREAS

Notice is hereby given that the United States Department of the Interior, by and through the Fish and Wildlife Service, has entered into contracts with Conservation Departments of the States respectively listed whereby all the Federal lands within the following listed areas are to be administered and operated by such Conservation Departments as wildlife management areas:

Wildlife management area	State	Subdivision
Safford.....	Arizona.....	Graham.
Talcot Lake.....	Minnesota.....	Cottonwood.
Yazoo.....	Mississippi.....	Washington.

Dated: December 20, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-11241; Filed, Dec. 24, 1948;
9:04 a. m.]